

THE  
*Rights, Powers, and Priviledges,*  
OF AN  
*English* Convocation,  
STATED and VINDICATED.  
IN ~~1744~~ 6—34

A N S W E R  
TO A  
Late Book of Dr. Wake's, Entituled,  
*The Authority of Christian Princes over  
their Ecclesiastical Synods asserted, &c.*  
AND TO  
Several Other PIECES.

---

*And one shall say unto him, What are these wounds  
in thine hands? Then he shall answer, Those with  
which I was wounded in the House of my Friends.*  
Zech. XIII. 6.

---

*Ea Tempestate facies Ecclesie foeda & admodum turpis  
erat: non enim, sicut prius, ab Externis, sed à Propriis  
vastabatur. Russ. Eccles. Hist. L. I. c. 21.*

---

LONDON: Printed for *Tho. Bennet* at the *Half-  
Moon* in *St. Paul's Church-yard*, 1700.



THE  
Rights, Powers, and Privileges  
OF AN  
English Convocation  
STATED AND VINDICATED  
IN  
A NEW  
AND A

large Book of the same, published  
by the University of Oxford, Printed for  
John Richardson, 1704.  
AND TO  
Several Other Pieces

Printed and sold for the Author, by  
J. Richardson, in the Strand, near  
St. Dunstons Church, 1704.  
No. XIII. 6.



LONDON: Printed for J. Richardson, near  
St. Dunstons Church, 1704.

---

---

T H E  
P R E F A C E.

**B**etween three and four Years ago came out A Letter to a Convocation-Man, concerning the Rights, Powers, and Priviledges of that Body, which, together with the Replys that were made to it by Dr. Wake, and some Other Writers, led the Author of these Papers to consider the Point in Debate with a Particular Care and Application. He confesses he came to Dr. W's Book, with expectations of finding there whatever was necessary to set this matter in a clear Light; The Bulk of the Work, the Appearance of Learning it carried, and the Great Authority by which it endeavored to recommend it self, All seem'd to promise Exactness. But upon perusing it, to his Surprise, he found, that it was a Shallow, Empty performance; written, without any Knowledge of our Constitution, any Skill in the Particular subject of Debate; upon such Principles as are destructive of all our Civil, as well as Ecclesiastical Libertys; and with such Aspersions on the Clergy, both Dead, and Living, as were no less injurious to the Body than his Doctrine.

The Love I bear to Truth, to my Church, and Country, soon gave me Resolution of stating this matter anew, and of taking off the slight Colors under which Dr. W. had disguis'd it: if at least, I were not prevented by some Abler Hand, particularly

a

## The PREFACE.

cularly by the Author of that Letter which first gave rise to this Debate; and who, it was expected, would have appear'd once more upon it, and freed what he had advanc'd from all Exceptions. This, and some other Accidents were the Cause that the following Papers, though prepar'd early, saw the Light no sooner; and have indeed been deferr'd so long, till it is now grown absolutely necessary to say something in Defence of the Churches Rights, or to sit down contentedly under the Loss of them. For by this time Dr. W's Book, Weak as it is, has yet, by not being oppos'd, gotten strength, and made its way into the good Opinion of many who wish not ill to the Order. A Learned Adversary indeed has taken him to Task upon the General Principles of Church-Discipline and Government: but in the Domestick Part of the Dispute, which relates to our Own Laws and Usages, nothing has been said. For which reason, even from well meaning Men, we every day hear this Language, "If the Dr. has indeed misrepresented the Constitution, why does not some body set it right again? If, he has given up the Libertys and Priviledges of his Church, how comes the Body to be silent? They understand their Own Rights sure, and will not suffer themselves to be writ out of 'em: we must believe therefore, that they have 'em not, if no body thinks fit to claim them. This indeed is the Natural Construction, which People must, and do make of our silence; and his Principles therefore must either quickly be disprov'd, or prevail. Nay upon these Principles, a suitable Practise may soon establish it self; and as Some New Customs first made way for his Doctrine, so the Doctrine it self may make way for Others; which when once taken up, will be difficultly laid down: for it is much

## The PREFACE.

*much easier to preserve a Constitution, than to retrieve it.*

*Already, since he wrote, it has so hapned, that, upon the Calling of a New Parliament, the Writ for the Province of York has been dropp'd; thro' Forgetfulness, no doubt: however, for the same reason, it may so happen again, when another Parliament is call'd, that the Writ for the Province of Canterbury shall be forgotten too. And if it should withall be forgotten to be Claim'd, as well as Issu'd, We should then be in the same case with our Neighbours of the Church of Ireland; among whom, as I am inform'd, Convocation-Writs are now grown out of Date; two New Parliaments having been successively summon'd, without them.*

*And by the same Degrees that the Convocations of the Establish'd Church have declin'd in both these Countrys, those of our Brethren of the Separation have begun to revive. The Summer after Dr. W's Book came out, a General Meeting of the Dissenting Ministers was appointed here in London, as appears by the Date of the Newbury-Letter, printed in the Appendix \*: and it is not long ago, since \*Numb. II. the Irish Nonconformists met publicly at Dublin, and printed a Sermon preach'd at the Opening of their Synod; tho' I think the Establish'd Clergy there have never been Synodically conven'd, since the Revolution. And how affairs stand in Scotland, with relation to these matters, the Reader, if he desires Information, may in the 25th. Page of the following Papers, find it.*

*Nor is it to be forgotten, that since this New Doctrine came abroad, a New Definition of Convocations has obtain'd; which we are now told, are only \* Nicolson "Occasional Assemblys, for such Purposes as the Hist. Lib. "King shall direct \*. And even the New State Vol. 3. p.*

## The PREFACE.

“ of England-Man has upon it varied his Phrase:  
 “ for his last Edition says, that they are to meet  
 † Meige. “ now and then, in Time of Parliament †. It may  
 N. S. of E. seem not Material to observe any thing that falls  
 part. 3d. from such a Pen: but it shews how Common Opi-  
 p. 64. nion runs, as much as if a Wiser Author had said it.

It was High time therefore to assert a Right,  
 which was so far endanger'd. And this, unequal  
 as I may be to the Task, yet rather than it should  
 remain undone, I have resolv'd to do: not led so  
 much by Inclination to study of this kind, as push-  
 ed on by an Hearty concern for the Interests of Re-  
 ligion, and of my Order (as far as the Latter of  
 these is subservient to the Former), and by an Ea-  
 ger Desire of doing somewhat towards supporting  
 the Good Old Constitution I live under: which Dr.  
 W. has, both in Church, and State, done his best to  
 undermine. His Blow indeed is directly level'd  
 at the Rights and Libertys of the Church only,  
 but it glances often on those of the State, and wounds  
 them sore, as far as His Arm was capable of put-  
 ting strength into it: The Argument of his Book  
 throughout turns upon such Maxims and Grounds,  
 as equally affect Both of them. And because I am  
 not willing to say any thing against him without  
 good Proof, I shall here give the Reader a short  
 Tast of his Principles, to prepare him for the  
 larger Entertainment that follows.

P. 84. He proposes this Question, “ Whether  
 “ the Prince should be allow'd a Power to alter,  
 “ or improve, what a Synod has defin'd, to add to,  
 “ or take from it?—and thus he resolves it—  
 “ Sure I am, that this Princes have done, and so  
 “ I think they have Authority to do. For since  
 “ the Legislative Power is lodg'd in their  
 “ hands, so that they may make what  
 „ Laws

## The PREFACE.

“Laws or Constitutions they think fit  
 “for the Church, as well as the State:  
 “since a Synod in matters relating to Discipline  
 “is but a kind of Council to them, in Ecclesiasti-  
 “cal Affairs; whose Advice having taken, they  
 “may still act as they think fit: seeing, lastly, a  
 “Canon, drawn up by a Synod, is but as it were  
 “Matter prepar’d for the Royal Stamp;  
 “the last forming of which, as well as enforcing  
 “whereof must be left to the Princes Judgment:  
 “I cannot see why the Supreme Magistrate, who  
 “confessedly has a Power to confirm, or reject  
 “their Decrees, may not also make such other  
 “Use of them as he pleases; and correct, improve,  
 “or otherwise alter their Resolutions, according  
 “to his Own Liking, before he gives his Autho-  
 “ry to them†. He is speaking here, I confess, † P. 85.  
 of the Power of the Prince, at large, without  
 pointing his words particularly on England: but  
 since he asserts this Power to every Prince, and  
 does not except Ours, it is manifest he means him  
 as much as if he had particularly mention’d him.  
 And this he himself is not shy of owning: for be-  
 fore the End of this Chapter, he in plain terms  
 tells us, that “by Our Own Constitution, the King  
 “of England has all that Power over Our Convo-  
 “cation, that ever any Christian Prince had over  
 “his Synods †. And goes on afterwards: to shew, † P. 98.  
 that H. the VIII. did this very thing in 1536; † P. 136.  
 correcting, and amending with his Own Hand,  
 the Articles of Religion then drawn up, before  
 they were publish’d. He does not indeed expressly  
 justify this Act of H. the VIII; but which is all  
 one, he mentions it, without a word to shew that  
 he disapprov’d it.

I will be bold to say, that were this single Do-  
 ctine

## The PREFACE.

*Urine true, the Late King might have gone a great way toward subverting our Religion, without breaking in upon the Constitution, or doing any thing illegal. He might have assembled the Clergy, and commanded their Judgment upon such and such Points, and then alter'd their Resolutions to his Own Liking, and so have set up Rank Popery under the Countenance of a Protestant Convocation. Especially if he had call'd this other Principle of Dr. W's into his Aid—*

*“Some of our Princes (he says) have not only*  
*“prescrib'd to our Convocations what they should*  
*“go about, but have actually drawn up before*  
*“hand what they thought Convenient to have*  
*“established, and have requir'd them to approve*  
 [ P. 110. ] *“of it, without submitting it to their Judgments,*  
*“whether they approv'd of it or not.” Which*  
*Fact also he gives us as a Right, without insinuating the least Dislike of it. And a very Convenient Right it is for Princes, that meditate New Schemes of Church Government. Twelve Years ago, enforc'd by the Pen of a Parker, or a Cartwright, it might have done great Service: it would have helpt on all the Pious Designs then upon the Anvil; and if the Asserter of it had not been a Bishop, to be sure it would have made him one. Can such Doctrines ever be Serviceable (I say not Grateful) to This Government, which would have ruin'd our Establish'd Religion, under the Former?*

*But his Conclusions are not worse than his way of coming at them; which is, in this, and in every case, first by shewing what has been practis'd by the Emperors, and other Absolute Princes, and by asserting the same Power to belong to Our King, as a King; not by vertue of the particular Laws and Usages of this Realm, but by the*  
**Right**



## The PREFACE.

**Right of Sovereignty in general** †, upon which he expressly owns himself to found the Authority of our Princes in Matters Ecclesiastical †; † See Ap-  
and says therefore (as we have heard) that they peal p. 111.  
have the same Power over Our Convocations that 112.  
**ever any Christian Prince** had over his Synods:  
And accordingly makes it the whole Business of  
his second Chapter (that is, of a Fourth part of  
his Book) to set out the Powers exercis'd by Ab-  
solute Princes, and particularly by the Roman  
Emperors, over their Synods, in order to warrant  
the Use of like Powers here at home. I know not

how this Doctrine may relish now:

but in the 7th. \* Tear of King  
James the I. (as high as Prero-  
gative then ran) it did not, I  
am sure, go down well with the  
Parliament: for then Dr. Cowel's  
Interpreter was censur'd by the  
Two Houses, as asserting several  
Points to the overthrow and de-  
struction of Parliaments, and of  
the Fundamental Laws and Go-  
vernment of the Kingdom. And  
One of the Articles charg'd upon  
him to this purpose by the Com-  
mons in their Complaint to the Lords, was (as Mr.

Petyt † says out of the Journal) this that follows. † Miscell.  
"4thly, The Doctor draws his Arguments from Parl. p. 66.

"the Imperial Laws of the Roman Em-  
perors, an argument which may be urg'd with  
"as great reason, and with as great Authority for  
"the reduction of the State of the Cler-  
"gy of England to the Policy and Laws  
"in the Time of those Emperors; as al-  
"so to make the Laws and Customs of Rome, and

\* Mr. Nicholson (See Hist.  
Libr. part 3. p. 177.) accord-  
ing to his Exactness in  
Dates, places this 310 Jacobi,  
whereas the Book it self was  
not set out till two Years  
afterwards; as, if he had  
seen any Edition of it, he  
might from the Date of the  
Preface have known. But  
he unluckily met with a false  
Print to this purpose, in the  
Posthumous part of Spelman's  
Glossary (in Voce, Tenura)  
and he is always an Implicit  
Transcriber.



## The PREFACE.

"Constantinople to be binding and obligatory to  
"the Citys of London and York.

The issue of which Complaint was, that the Author, for these his Outlandish Politicks, was taken into Custody, and his Book condemn'd to the Flames: Nor could the Dedication of it to his then Grace of Canterbury save it; who did not think himself concern'd to countenance whatever Doctrine any Indiscreet Writer should take the Liberty to ascribe to him.

He that thinks a Prince Absolute in Spirituals, thinks him, no doubt, as Absolute in Temporals, and will, when a Proper time shall come, not stick to say so. Dr. W. has given some significant Hints that way in the words already produc'd from him: for what else can be mean by the Legislative Powers being lodg'd in the Princes hands, so that he may make what Laws he pleases, for the Church as well as the State; if we consider him to speak, as he does, of the Prince, exclusively to the Three Estates of the Realm? And when he adds therefore, a few Lines afterwards, that a Canon is only matter prepar'd for the Royal Stamp, we are not at a loss to know, what further he aims at: This is doctrine, that at a Convenient Season, will serve as well for Acts of Parliament, as Canons. Let us hear some more of it.

One great Position of Dr. W. is, that the Convocation cannot move a step, but as they are directed by the King, or debate of any thing but just what he impowers them to consider. And thus far he is safe in his Assertion, for unsating Assemblies may be insulted at pleasure. But when he tells us further, that the Parliament it self is as much directed by the King in the main

## The PREFACE.

main part of their Debates as the Convocation is †, the Comparison begins to be saw- † P. 239.  
 cy, and may prove Dangerous. He would seem to qualify it indeed by saying, that the Parliament are as much, though not as necessarily directed: but this does not much soften the Expression; for still it leaves the Parliament as much (though not as necessarily) Slaves in the Point of Freedom of Debate, as Convocations are said to be; and is, I dare say, such an Instance of Free Speech as was never yet practis'd towards a Parliament.

Another of his Maxims is, that "whenever a  
 "Synod meets, the King may give Direction for  
 "the Choice of the Persons that are to compose  
 "it, that so he may be satisfy'd, that they are  
 "such whose Piety and Temper has fitted them to  
 "serve the Church, and in whose Prudence and  
 "Conduct he himself may safely confide†. And † P. 42.  
 then, by vertue of his General Rule, [that gives  
 to Our Princes all that Power which ever any  
 Christian Prince had over their Synods] he brings  
 it home to us, and says, that the Choice of the  
 Persons composing our Convocation is thus deter-  
 min'd by the King's Writ †: which implys, that † P. 103.  
 his Writ might determin the Choice otherwise,  
 that he might order more, or fewer to be sent up;  
 or New ones to be return'd in the Room of those  
 whose Temper he shall not approve of, and whose  
 Prudence and Conduct he cannot safely confide  
 in. And if he can deal thus with our Convoca-  
 tion-Writs and Members; what hinders but he  
 that may deal thus also with those of Parliament?  
 for his Writs alike determin the Choice, as to  
 Both these Meetings; and then there's an End of  
 our Constitution, whenever a Prince arises that  
 has any Ill Designs upon it. The

## The PREFACE.

*The laying aside of Convocations is thus justify'd by Dr. W. in divers parts of his Book. & that the Great and almost Only Use that has been made of them, was to raise Money; and that Use therefore being now out of Doors, there is no need of regularly assembling them. Let us apply this to Parliaments, and suppose, that the King's Revenue was so settled, and the Publick Debts so far discharged, that there was no occasion for them to sit for the giving of Money; would there be no occasion therefore for their sitting at all, in order to assist the Crown with their Counsels, or to redress Grievances? This is unavoidably the Consequence of Dr. Wake's way of arguing; and he seems not to be ashamed of it: for p. 207. he thus accounts for the Rise and Birth of Parliaments, as now settled: "They were to meet, he says, when requir'd, and that as often as the Prince wanted Money, or expelled a Supply from them. Can a Man talk at this rate, and pretend to be an Englishman? Or can true Englishmen stand by, and hear him talk thus, without resenting the Indignity?"*

*The Clergy therefore are not the only Persons concern'd in this Dispute, the Laity too have their share in it. For besides that, if Slavery be once establish'd in the Church, it will quickly spread it self into the State, Dr. Wake's Principles, we see, are such as have an Immediate Tendency toward subverting Liberty in General; and would, if pursu'd through their just Consequences, give the Prerogative as high an Ascendant over Parliaments, as Convocations. And when such things are said therefore, not the Men of the Church only, but every Freeborn subject of England ought to take the Alarm; for their Birthright is endanger'd.*

*The*

## The P R E F A C E.

*The very best Construction that has been put upon Dr. W's Attempt by Candid Readers is, that it was an Endeavor to advance the Prerogative of the Prince in Church-matters as high, and to depress the Interest of the Subject Spiritual as low as ever he could, with any Colour of Truth. But surely this it self is no very creditable account of it. Those Casuists that have taken pains to instruct men, how near they may possibly come to a sin without actually sinning, have not been reckon'd the honestest part of their Profession. And those Divines, who read Lessons to Princes, how to strain their Ecclesiastical Power to the utmost without exceeding it, and oppress their Clergy legally, are not surely the best Men of their Order. They are Church-Empsons, and Dudleys; and usually find the fate of such Wretched Instruments, to be detested by the One side, and at last abandoned by the Other.*

*Were all that Dr. W. says strictly true and justifiable, yet whether the laboring the point so heartily as he does, and shewing himself so willing to prove the Church to have no Rights and Privileges, be a very Decent Part in a Clergyman, I leave his Friends to consider. The World, I fear, is so ill natur'd as to believe that seldom any Man is over busy in lessening the Publick Interests of that Body to which he belongs, who does not hope to find his Private Account in it. But when all a Man advances is not only ill design'd, but ill-grounded, and his Principles are as False as they are Scandalous ( as I have evidently prov'd his to be ) there are no Names, and Censures too bad to be bestowed on such Writers, and their Writings.*

Wil

## The PREFACE.

*Will it be said, in his Excuse, that he wrote his Book in the Dark, without a Competent Skill in the Subjett of it? and that his Mistakes therefore are the Effects of Pure Ignorance? allowing it; how came he then to write at all in a Matter that he was not (and could not but know, that he was not) Master of? How came he to express himself so peremptorily in such Tender Points, wherein the Great Priviledges of his Church, and the Chief Interests of his Order are concern'd? Was there less of Wisdom, or Honesty in endeavoring to write down these, without being sure that he had good grounds for it?*

*In truth, though the best thing that can be said for Dr. W. is, that he wrote at this rate, because he knew no better; yet I fear, that even this it self cannot be justly pleaded. For as little as he knows of these matters, he seems to have known yet more than he was willing to own; and enough to have kept him from engaging on that side of the Question he has done, if some very Powerful Motive had not come in to determin him. Those little shifting Equivocal Forms of Speech he is so full of, those savings and softnings he throws in every where, shew, that the Thistles he was mambling did not pass easily; and that he had not only no Assurance that he was in the Right, but a Shrewd Guess that he was in the Wrong; and laid in matter therefore for Evasion against he should have need of it. So that whenever he thinks fit to make a Reply, I question not but this will be one main part of it, "That He, Good Man, is much misunderstood, and his Opinions ill represented; which are, at the bottom, and taken together, very Innocent and Blameless: since whatever he has said that may sound harsh, in any one part* of

## The P R E F A C E.

"of his Book, he has unsaid again, explain'd,  
 "and qualify'd in another. I will not deny him  
 to have, in several Instances, a Right to this Plea,  
 such an one as it is: But He who makes use of it  
 does, in effect, own, that he had taken upon him-  
 self the hard Task of maintaining a Point, which  
 yet he saw was not defensible; and that his Con-  
 science star'd him in the Face, every step that he  
 took: nevertheless, being in, he was resolv'd to  
 go through with it. And if this Excuse will be of any  
 service to him, by my Consent he shall be allow'd it.

Could we excuse his Ill Principles, yet what  
 shall we say to those Injurious Reflections that ac-  
 company them? Those Slights, and Reproaches,  
 he so Liberally casts on his Order, when it has the  
 Ill Luck to come in his way? Many Actions of  
 the Old Popish Clergy ly open enough in Consci-  
 ence to censure: but he is sure always to give  
 the Worst and most Invidious turns to them. He  
 never distinguishes between the Men, and their  
 Popery; but censures them in the gross, and in  
 such a Manner sometimes as to leave the Reader  
 in doubt, whether the Function it self were not in  
 fault.

The Clergy of his Own Time are dealt with yet  
 worse by him. That part of them, which desire  
 a Convocation (that is, by his Leave, the far  
 Greater part of them) are so represented by  
 him, as if they were Irregular in their Lives,  
 Violent in their Tempers, and Faction in their  
 Principles †: and the Government is, in the ve-  
 ry last words of his Book, excited to take Venge-

† That  
 Little, Noy-  
 ss, Turbu-

lent Party, that now set themselves up as Judges amongst us Ap. p. 119.

Some Hot Men, for ought she knows her Enemies. Ib. p. 119.

What shall we say of the Conversation and Examples of some of those  
 who wait at the Altar?—Pride and Peevishness, Hatred and Evil  
 Will,

## The P R E F A C E

Will, Divisions and Discontents prevail among those who should teach and correct others: and instead of improving a Spirit of Piety and Purity, &c. we mind little else but our several Interests and Quarrels and Contentions with one another, &c. *Authority, &c. p. 333.*

Some there are of those that wait at the Altar, much fitter to be cast out of the Church, than to Officiate in it. Pref. p. 8. Men, notorious for their Irregularitys, — who have scandalously departed from the Rules of their Holy Profession. *Ibid.*

By these means the Busy Tempers of some Forward Men may be restrained. — But they are such Men and such Tempers, that make these Restrictions necessary. And their Unwillingness to submit to them, shews but the more clearly how fitting it is that Princes should have all that Power, to prevent them from doing both Themselves and the Church a Mischief. p. 43.

It is probable, had not the Prince had this Ty upon us, we should before this time— in all appearance have expos'd both Our selves and the Church for a Prey to the Common Enemy, p. 271.

I am fully perswaded, that nothing at this day preserves us from Ruin and Desolation, but that we have not Power of our selves to do the Church a Mischief. Ap. p. 211.

A new sort of Disciplinarians are risen up from within our selves, who seem to comply with the Government of the Church much upon the same account that others do with that of the State; not out of Conscience to their Duty, or any Love they have for it: but because it is the Establish'd Church, and they cannot keep their Preferments without it. They hate our Constitution, and revile all such as stand up in Good Earnest for it: but for all that, they resolve to hold fast to it; and go on still to Subscribe and Rail. App. Ep. Ded.

*ance upon them, as Men embark'd in a Separate Interest, and averse to all the Methods of supporting it\*. In a word, so Contumelious is his way of treating them, that had he not inform'd us who he was in his Title Page; we should have guess'd Men is to treat them him rather to have been of the Cabal against Priests and Priestcraft, than One of the Order.*

\* The only way to deal with some Men is to treat them as they Deserve; and

to let them know, that those are unworthy of the Protection of the Government, who are Embark'd in an Interest different from it, and Refuse to contribute to the Necessities of it. *Authority, &c. p. 355.*

*And*



## THE PREFACE

*And this he has done at a time, when Religion is struck at every day, through the sides of its Ministers, and he could not but know that such Reflections, from such a Pen, would be greedily entertain'd, and ill employ'd. Can a Man pretend to Principles, and act at this rate? The very Swiss, that fight for pay, will not march against their Own Country; but whenever it is attack'd, go home and defend it.*

*Must we believe that the Friends of Convocations have been represented under the same Colours to his Majesty that they are to the Reader? as Enemies to his Government, Hot, Immoral; considerable neither for their Merit, Interest, nor Number? If so indeed, we have here an Easy account of the Distinguishing steps that have of late Years been taken. But sure they who talk at this rate, do not believe themselves. Hot, Busy men would not have sat still, and cool thus long under the Want of what they so earnestly desir'd; would not have waited the Good Pleasure of their Superiors, with so much submission and silence, in a Point of such tender Concern to them; but have taken other kind of steps than any that have been yet made use of towards obtaining it. Were a Convocation the Desire of a small Despicable Party only, and not of the Generality of the Clergy, how come such Assemblys to be laid aside, where a few Men, though never so furious, would make no figure, nor be able to disturb measures?*

*And as to the Charge of Immorality, it runs high indeed; but 'tis to be hop'd that it is groundless. For were there so many Men of scandalous Lives among the Clergy, sure the Fathers of the Church, who have the Inspection of their Manners, would ere this time have made Publick Ex-*  
*amples*



## The PREFACE.

amples of several of them. I cannot think that their Lordships have been so far wanting in their Duty to God and the Church, as not to have let the Laws loose upon such Offenders, if they knew them. And till they do so, this Censure of Dr. Wakes must pass for a Scandalous Reflection both on their Lordships and his Brethren.

But this is the Ordinary Cry of Designing Writers, who from hence raise to themselves a Character of Impartiality, of a singular Integrity, and Courage. Their Own Vertues also shine to advantage upon such a Comparison: and withal they intimate by it, how fit they are to be advanced to a Post, wherein they may correct such Enormitys. And when that happens, it will make some Amendments, or Excuse for their not effectually doing the Duty of their Station, if to their Complaints about the Lives of Churchmen they add others concerning the Church it self, and say that even her Canons and Constitutions want reforming.

Dr. Wake seems to have hinted His Opinion in the case already, where he says, that "the Church of England has a Peculiar Veneration for the Discipline and Doctrine of the Primitive Church, beyond most Churches in the World †. Beyond most Churches! why, what Churches in the world have more, or so much? where are they planted? what are their Names? Is it the Scotch, the French, or the Dutch Church, he means? is it a Church, with Bishops, or without them? Let him speak out, and tell us the Church that has (a truer, or even) so true a Regard for the Doctrine and Discipline of the Primitive Church, as the Church of England has: and then we shall know, by what Model she is to be reformed, and withall be let perhaps into the secret Reason

† Pref. p. 4.

## The PREFACE.

*Reason of the Present Disuse of Convocations.*  
Grotius, though a Forreigner, would have taught him better Language: Nullibi atque in Angl<sup>a</sup> (says he) tantus honor pia defertur Antiquitati. † Should not an English Divine speak of our † Ep. 2. Constitution with at least as much respect as a Dutch Layman?

The Liberty Dr. W. has taken in his Censures, is, considering his Present Rank in the Church, a little too early; nor will the Pattern, he follows in it, justify him. My Lord of Sarum indeed may freely have tax'd the Vices of the Clergy, even in Books where he was defending the Orders of the Church of England, or the Truth of the Christian Religion: His High Station is his Warrant for whatever he has done of this kind lately, and a Bar to all manner of Reply. And his Former Reprehensions, should they have been somewhat too Free, are capable of this Excuse; that being a Stranger, he might not then have thoroughly acquainted himself with the state of our Church, or the Characters of its Members: And if he saw faults in them, it was not to be expected that he should conceal them with the same Tenderness, as if he had had his Birth and Breeding amongst them. But Dr. Wake is neither Above those he reproves, nor has drawn a different Air from them; He was Baptiz'd and Educated in Our Communion, and receiv'd his first Impressions of Men and Things in an University, a Place that has not been thought apt to instill into its Members a Disesteem of their Holy Mother, or a love of blackening and betraying their Brethren. Meibinks Men, who talk so much of Moderation and Temper, would do well to shew it, in allow-  
ing

## The PREFACE.

*ing a Common share of those Good Qualitys to some of their Neighbours, who can be contented well enough without Titles; but are however very loth to be stript of their Good Names. The Comfort of such Good Men, whom his General and Undistinguishing Censures have thus aspers'd, must be, to say to themselves, as St. Cyprian once did; Neque nobis Ignominia est pati à fratribus quæ passus est Christus, nec illis Gloria est facere quæ fecerit Judas.*

*It was the Abhorrence I had of this Unworthy Treatment which the Reputation and Rights of the Order have found from Dr. W. and of the Slavish Tendency of his Principles, in respect both to Church and State, that gave me Resolutions of exposing the Weakness and Insincerity of his Attempt, and of doing Right to Truth, and an Injur'd Constitution.*

† Pref. p. VI. *He has modestly wish'd this Argument a Better Hand, and a Better Head † than his Own. How far in these respects I am fitted for the Service, I cannot say: However One Quality there is, unmention'd by Him, but no less requisite than either of these; a Better Heart, I mean; and that, I am sure, I have brought along with me to the Work: and should there be further Occasion for it, I trust, that it will not fail me. The Dr. I do not doubt (considering on which side he wrote) thought himself as secure in his Defiance as a Crown-Champion at a Coronation; and that No body would have been hardy enough to take up the Gauntlet he threw down. Something of this kind seems to have been in his Thoughts, when he said, that the Gentleman he attacks, had written in such a manner, as would not, he suppos'd, at all*

## The PREFACE.

all encourage any one to stand up in defence of him †. But in this, as well as in a Thousand † lb. p. 1. Other things, he finds his Mistake. There are, he sees, Those, who will not desert Truth when it grows out of fashion; and have Courage enough to espouse a Good Cause; though Great Names, and Great Interests are made use of to discountenance it. Not that the Author of these Papers is concern'd any ways to vindicate the Manner of that Gentleman's Writing, whom the Doctor engages; it is his Argument only that he undertakes to defend: in which he thinks him to have dealt both Skilfully and Honestly, professes himself freely to be of his Opinion, has reasserted it here in this Book, and will, by the Divine Assistance, go on to maintain it.

He matters not what Dirt may be thrown at him on this account; he expects to traduc'd by little Officious Pens (and by Dr. Wake's, the least of them) as Disaffected, and Undutiful. But as he is satisfy'd of the Uprightness of his Intentions, and knows how full his Heart is of Duty and Respect toward Those, whose Characters ought always to be, and shall ever be Sacred with him, so he thinks he has taken a very proper way of expressing it in what follows; where, it seems to him, that he pleads for his Majesty's Honor, and my Lord Archbishop's Interest more effectually than they can pretend to do who differ from him. It is certainly for the Honor of the Crown to be attended always with the Great Council-Spiritual of the Realm, as well as Temporal, and my Lords Grace of Canterbury is never so Considerable, as when he is at the Head of the Clergy of his Province. The Author is persuaded

## The PREFACE.

that he cannot make a more wellcome Present to good Governors, either in Church or State, than by affording them a True Account of the Wants and Rights of such as are entrusted to their Care; and an Opportunity, by that means, of exerting their Power to the Good Ends for which it was design'd. And They who shall represent him as Disaffected, on this account, do not sure consider what a kind of Compliment they make to Those for whose Interests they pretend to be so warmly concern'd.

Disaffection to the Government, as the Charge is commonly manag'd, is a Word only, made use of by those that are in favor to keep others out; it is a Reproach taken up on purpose to justify premeditated Designs of oppressing Men: For so the Soldier said, that the Countryman whistled Treason, when he had resolv'd to plunder him.

For my part, I am not shy of Owning to Dr. Wake my naked Thoughts on this Head; and he may make what Use he thinks fit of them. If then, to be a True Lover of England, its Monarchy, and Episcopacy; if, to have the Utmost Esteem for the Heroick Qualities and Matchless Merits of our Prince, and to think no Instance of Respect and Duty that Subjects can pay him, too great, while they take care to preserve their Own Rights and Priviledges; if to preferr the True Interests of the Protestant Religion, and the Preservation of our Civil Libertys, to all other Considerations, and for these (among other) Ends to pray heartily for the Continuance of our Present Government, both in Church and State; if these be Instances and Marks of Disaffection,

## The P R E F A C E.

*affection, then the Author of these Papers must own himself disaffected, and not otherwise.*

*No, the Imputation is more justly to be laid at Their Door, who are for such New Methods and Practises, as naturally tend to alienate the Hearts and Affections of Subjects, and make Governments uneasy; who blast great Numbers of Good Men with Ill Names, and endeavour to make them ( what they are not ) disaffected, by so representing, and using them, as if they were: And at the same time that they would have others thought Unwilling to serve the Crown, take care effectually to disable themselves from serving it, by forfeiting all the Credit and Interest they have among their Brethren.*

*For what can the Clergy think of such Men as bend all their Wit and Skill to dress up Schemes for suppressing their Parliamentary Assemblies? and even their Summons? for rendring their Body, as such, Useless to the State, and by consequence Contemptible? in a word, for introducing the Portuguese Model of Church Government; by which, a late Author tells us †, the attendance of the Lower Orders is excus'd, and of the Court of Portugal p. 22. their Bishops, with the Assistance of the Pope, act for them, and conclude them? Can any Member of the Church, that has his Eyes open, think such Men Friends to it? or so treat them, and speak of them, as if they were?*

*How is it to be expected that this Management should work on the Inferior Clergy? What else can it produce in them but Distrusts, Uneasiness, Complaints, and Endeavors of Righting them-*

## The PREFACE.

*selves as they are able? The Projectors of such Schemes may fancy them proper Methods of laying Mens Passions asleep, but will in the End find, that they are the sure Ways of raising them. Nothing will by this Means be Effectually laid asleep, but the Churches Parliamentary Meetings; and it is well if the Dose given them be not so strong, as to make them sleep their Last.*

*Does it at all soften the severity of this Usage, to tell the Clergy, That it is really for their true Interest and Service, if they would but understand it? That they are a Number of Men, too Warm, Indiscreet, and Unpractis'd in Business, to be safely trusted together? and were they indulged the Liberty they claim, would soon ruin themselves by the use of it? These are Dr. W's Thoughts upon the matter; and are they not decent ones? This is not only oppressing, but insulting Men; the Reason given for the Usage is more provoking than the Usage it self.*

*If, under a Sense of these Injurys, I have not so temper'd my Pen every where, but that an Hard Word may now and then have escap'd me, I need no Excuse for it. Dr. Wake's way of Dealing would, I am sure, have justify'd much rougher Returns than any I have made him. But what ever of this kind the Reader meets with, he may assure himself that it sprung not from any the least mixture of Private Prejudice, or Resentment. For I have no Quarrel with Dr. Wake but on a Publick Account. On the contrary, the Good Services he did against Popery inclin'd me always to wish well to him, and to esteem him: Or, had I wished him ill, yet I would never have taken this way of expressing it: for*

Petavius



## The PREFACE.

Petavius † has taught me long ago, that to write against some Men, is the Way only to have their Pensions doubled. And the Experience of later Times than his has shew'd, that it is possible to write a Man out of Reputation, into Preference.

† Petavius  
Croio ref-  
ponfurum  
se negat,  
ideo quod

novit Annua augeri semper Ministris contra quos scribitur. Grot.  
Epist. 1742.

Much less can I be suppelled to have engag'd in this Design, out of Interest. The way to That, is not, by appearing in behalf of Councils; which (as Johannes Major † well observed) meet but seldom, and have no Dignities to dispose of.

† Johannes  
Major (c.  
XVIII.  
Comment.

in Evang. Matth. Versus finem) ait—Nemini mirum videri debere quod Plures Papam esse supra Concilium, quam contra Concilium supra Papam esse doceant; cum Papa det Dignitates & Beneficia Ecclesiastica, Concilium verò det nihil—Richer. de Conciliis.

No, it is neither from these, nor any such Low Inducements as these, that I have enter'd on this Work: but from a Desire only of Perpetuating to the Church the Use of her Parliamentary Assemblies, and of that Free Debate, which is inseparable from such Assemblies: Both which Rights were in great Danger of being lost by Popular Misapprehensions, and a Discontinuance.

In the management of this Argument I have chiefly had an Eye to what Dr. Wake has advanced; without neglecting however what has been offer'd on the same side from Other Pens, particularly by the Author of the Letter to a Member of Parliament: One, who, to do him right, saw



## The PREFACE.

where the stress of the Dispute lay, and endeavour'd here and there to write up to it, though, for want of fit Materials, he was not able. He has however in a Page or two of his Pamphlet said more for the Cause, than Doctor Wake has done throughout his Mighty Performance; which is really nothing more than a Series of Long, Flat, Impertinent Accounts, attended with suitable Reflections; but without One wise Word spoken, or True stroke struck in behalf of his point, from the beginning of the Book to the End of it. And were it not therefore on some Other Accounts, besides the mere Merit of the Work, it would have deserv'd no Answer but what the Fryar in one of our Historys gave, in a Certain Contest with his Prior. — Et Frater Salomon de Ripple ad Monitiones dicti Prioris, respondit, sic dicendo, \* **Cruseles! Cruseles!**

\* And Old English word for Triples.  
† Thorn.  
c. 2064.  
.. Pref. p. 3

**Cruseles! Cruseles!** † If Doctor Wake then has (as he says) receiv'd great Satisfaction from his Researches; he must needs be (what I had not thought him; very Easy to be satisfied: for I do not find, that his Researches have operated thus strongly on any body besides. Some Readers indeed have acquiesc'd in them, till they were better inform'd; and for want of that Information, have at length been inclin'd to think favourably of them: But Who they are, so near to Doctor Wake in their Make of Mind, as to be compleatly, or at all satisfy'd with them, I am yet to learn. And even as to him himself, whatever he may pretend, I dare say, a good part of his satisfaction is still to come.

|| Mr. Nicholas.

There is a Third Gentleman ||, who in a late Book of his has taken upon him to be a kind of  
Umpire

## The PREFACE.

*Umpire in this Controversy. By what secret Motive he was invited to Undertake this Office, he best knows; sure I am that it was not out of any Peculiar Skill or Ability he had to discharge it. Since he has gone out of his way to mix in a dispute that did not belong to him, he must excuse me if I have not gone out of mine, to avoid seeing his Mistakes; which I have taken notice of no otherwise than as the Course of my Reflections, and the Particular Matter I was upon, led me to observe them: And even at this Rate, the Crop of Errors was plentiful.*

*My Lord of Sarum too is a Name, that the Reader will find often mention'd in these Papers, on the account of some Historical Mistakes; in which if I shall seem to have acted too free a part, I must desire the Reader to remember, how his Lordship justifies himself for observing a slight Fault in Mr. Selden, "This," says he, I do not take notice of, out of any "Vanity, or Humor of censuring so great a Man: "my design is only to let Ingenious Persons see, "that they are not to take things on trust easily, no not from the greatest Authors †. I † Hist. Ref. desire to have the Benefit of this Excuse: Vol. 1. p. especially since few or none of his Lordships 264. Oversights, marked by me, are of less moment than That of Mr. Selden's, observ'd by his Lordship; and some of them are of very great Consequence. Whereever I have dissented from his Lordship, I have done it, I hope, with Good Manners; and I have taken care every where to produce my Vouchers.*

*If in Reply to so many Writers I have drawn this Answer out to a great length, at the same time*

## THE PREFACE.

time that I blame Dr. Wakes Tedioufness, I hope I have more to say for my self than He had. Were I concern'd with Him alone, it would have been but the just Return of a Book for a Book; whereas He answered a Pamphlet in a Volumn.

In the several parts of this Work, I have endeavor'd to carry my Enquirys as far, and tread as surely as I well could with that Leysure, and those Opportunitys I was master of. I wish the desire of being Exact and Full in my Accounts, has not spread a Dryness sometimes over them, which may disgust Readers not us'd to Disquisitions of this Nature. But I could with far less Trouble have made them more Entertaining.

If after all my Care, some Mistakes have crept in (as I doubt not but there have) the Reader will consider, that I am striking out Paths hitherto untrodden, without Light, or Guide to direct me. Dr. Wake indeed pretended to cut a Passage through this Wood; but upon Tryal found it too full of Thorns and Bryars, to be clear'd by his Hand: and therefore went about, leaving the direct Way it self as Intricate and Entangled as he found it.

As to what I have produc'd from Registers, I did not always on this occasion, consult the Originals themselves, for Reasons obvious to the Reader; but was forc'd in several Instances to depend upon Collections, taken some time ago: in which however there will, I hope, be very little reason to tax my want of Exactness.

The Copys of the Rolls of Parliament I us'd, were such as had gone through the Hands of Men very Skillful and Curious this way: Nevertheless a false Membrane, or even Year, may possibly have

## The PREFACE

*have slipped either into Their Transcripts, or Mine: for which (if it should so have hapned) I do here beforehand desire the Readers Excuse. But wherever I cite the Abridgement of Records, I profess to go no further than That, and am not answerable therefore for the Mistakes of it.*

*I have nothing further to tell the Reader, but that the Register of Henry de Estre, the Prior of Canterbury, which I so often appeal to in what follows, is a Manuscript in the Hands of my Lord Bishop of Norwich; and that I have us'd the two last London Editions of M. Paris, in composing these Papers, without saying, when I refer to the One, and when to the Other.*

---

ERRATA.

## ERRATA.

**P**Age 5. l. 25. dele *to*. p. 12. l. 5. for *They* r. *The Rural Clergy*  
 p. 26. l. 17. for *Holy* r. *Hally*. p. 27. l. 28. for *that meeting*  
 r. *such meetings as that*. p. 39. l. 25. for *milibus* r. *militibus*. p.  
 45. l. 5. for *or* r. *and*. p. 47. l. 23. for *repugnant* r. *repugnant* in  
*Marg.* l. 13. add. *Abt. of Rec.* p. 48. l. 27. after *all*, put a  
*Comma*. p. 54. l. 29. for *5th*. r. *7th*. p. 56. l. 11. for *Extraor-*  
*dinary* r. *Occasional*. l. 34. for *ceased altogether* r. *grew into Disuse*.  
 p. 70. l. 4. for *quoque* r. *quoquo*. p. 92. l. 30. dele *soon*. p. 125. l.  
 11. for *Lambert* r. *Lambard*. p. 127. l. 24. for *Labbeé* r.  
*Labbe*. p. 167. l. 29. r. *Antenicene*. p. 170. l. 14. for *New* r.  
*View*. p. 231. In *Marg.* for *N. XV.* r. *N. XIV (a)*. and so again  
 p. 232. p. 235. In *Marg.* for *N. XVI.* r. *N. XIV (b)*. p. 244.  
 l. 19. for *alwayes* r. *sometimes*. l. 22. for *alwayes* r. *often*. p. 245.  
 l. 13. dele *besides*. p. 257. l. 26. dele *just now mention'd*. p. 276.  
 l. 3. after *us*, add *whether*. p. 282. In *Marg.* dele *Malmesbury*,  
 &c. p. 284. for *consider* r. *conclude*. p. 298. for *Monarchici* r.  
*Monachici*. p. 330. l. 3. for *Henry* r. *Hervey*. p. 342. l. 11. for  
 1391, r. 1421. p. 345. In *Marg.* for *n. 19.* r. *n. 29.* to 50. E. 3.  
*n.* add 198. ll. 25, 26. dele. *Prov. Cant.* p. 346. dele. ll. 21. 22.  
 p. 347. l. 6. for *at length transcribe* r. *transcribe at length*. p.  
 348. l. 4. for 50. E. 3. r. 51. E. 3. In *Marg.* for *n. 18.* r. *n.*  
 24. p. 352. l. 19. for *Council learned in the Law* r. *Attorney*  
*General*. p. 356. l. 4. for *gratify* r. *qualify*. p. 376. l. 17. for  
*Cranmer's* r. *Parkers*. p. 413. l. 9. for *as* r. *has*. p. 457. l. 24.  
 for *owning* r. *owing*.

# THE CONTENTS.

## CHAP. I.

**T**HE Clergies Right, to Frequent Synods, by the Canons and Practice of the Universal Church, admitted and approv'd in this Realm. Pag. 4.

Chap. II. Their Legal Right of holding these Assemblies concurrently with every New Parliament. p. 28.

Chap. III. Their Right, when met, to Treat, Resolve, and Act in all Instances; and to all Degrees, under that of Enacting a Canon; without Qualifying themselves for it, by a Royal License. The sense of the 25 Hen.8. c.19, carefully inquir'd into. p. 78.

Chap. IV. Some General Reflections on Dr. Wake's Way of managing this Controversie; which set aside so much of his Book as is Immaterial and Foreign to the Point in Hand. p. 118.

Chap. V. An Answer to some Objections made to the Clergies Right of meeting with every New Parliament: where the Rise, Nature, and Force of the Clause *Præmunientes* in the Bishops Writ, and of the Convocation-Writ, that goes out with the Summons for the Parliament, are fully consider'd. p. 212.

Chap. VI. Dr. Wake's Distinction between a Right of being Summon'd, and a Right of Meeting and Sitting, Examind; together with a Reply to his Objection drawn from the Convocation having now left off to give Subsidies. p. 263.

Chap. VII. An Answer to what is objected from their being now no Member of Parliament: and

## The Contents.

and an Occasion taken from thence to deduce an Account of the Lower Clergies Interest in the Great Councils of the Realm, through the several Periods of Time, from the Earliest Saxon Ages, downwards. P. 273.

Chap. VIII. The Second Point [of the Clergies Right of Treating, &c. without a *Licence*] strengthened against the Exceptions that are made to it, from Parallel Instances of a Like Restraint practis'd towards Other Bodies, from the Perpetual Practice of Convocations since the 25 H. 8. from the Opinion of Dr. Cousins, and the Resolution of the Judges 8vo. Jacobi, &c. p. 356.

Chap. IX. Some Instances of Dr. Wake's Extraordinary Skill in the Subject of Debate.

---

Lately Printed for Tho. Bennet.

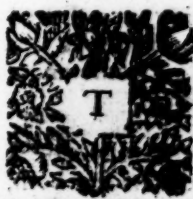
A Compleat History of the Canon and Writers of the Books of the Old and New Testament, by Way of Dissertation: with useful Remarks on that Subject. In Two Volumes. By L. E. Du Pin, Doctor of the *Sorbonne*, and *Regim* Professor of Philosophy in *Paris*. Done into English from the French Original.

An Account of the Court of *Portugal*, under the Reign of the Present King *Don Pedro* the Second, with some Discourses on the Interests of *Portugal*, with Regard to other Sovereigns: Containing a Relation of the most Considerable Transactions that have pass'd of late between that Court, and those of *Rome*, *Spain*, *France*, *Vienna*, *England*, &c.

*Campania Felix*: Or, a Discourse of the Benefits and Improvements of Husbandry; Containing Directions for all manner of Tillage, Pasturage, and Plantation; as also for the making of Cyder and Perry; with some Considerations (1.) upon the Justices of the Peace and Inferior Officers, (2.) on Inns and Alehouses, (3.) on Servants and Labourers, (4.) on the Poor. To which are added Two Essays, (1.) of a Country-House, (2.) of the Fuel of *London*.

THE  
*Rights, Powers and Priviledges,*  
OF AN  
*English Convocation*

STATED and VINDICATED.



THE Little Book which gave occasion to Dr. *Wake's* Voluminous Answer, proposed to Consider, First, What Need there was of a Convocation; and then, What were the *Rights* of the Clergy of the Church of *England* in relation to it: Presuming, I suppose, that a Claim of Right could never come so decently from Subjects to their Prince, as after shewing, that they were under a Necessity of making that Claim. Dr. *Wake*, who is a great Master of Method, has thought fit to change the Order of the Questions; and to enquire first in-  
B to



to the matter of Right, before he allows the Point of Expedience to be Debated. I shall be forc'd to dissent from this Gentleman so often in very concerning Points hereafter, that I will not give my self the trouble of disputing a Trifle with him here; and shall therefore take the Method He has Prescribed me. I am so fully satisfied of the Truth and Reasonableness of what I contend for, that I care not at which end of the Argument I begin.

The Two great Convocation-Rights chiefly insisted on in that Paper, and endeavoured to be set aside by Dr. Wake in his Answer to it, are these:

**I. A Right of Meeting and Sitting** in Convocation as often as a New Parliament Meets and Sits.

**II. A Right of Treating and Deliberating** about such Affairs as lie within their proper Sphere, and of coming to fit Resolutions upon them, without being necessitated antecedently to Qualify themselves for such Acts and Debates by a License under the Broad Seal of *England*.

Indeed these Rights of the Clergy do, at present, lie under some Disadvantage; both, because they have not, of late years, been duly Claimed and Exercised; and because Some even of the Clergy themselves have freely given them up, and publickly owned and maintained the Church to be at the Absolute Mercy of the Crown in these Particulars. But, whatever Prepossession Men may be under on this account; yet, if the Cause may be allowed

allowed a fair Hearing, I doubt not but in the following Papers clearly to prove, That the Church's Rights are, in both these Instances, plain and indisputable; and that therefore, whatever Concessions some of her Unwary or Designing Members may have made to her Prejudice, they must be accounted for on some other Bottom, beside that of the mere force of Truth; and how silent soever She her self may have been in the Vindication of these Rights, yet the reason of that silence was not, because she had nothing to say.

**B. 1. CHAP.**

## CHAP. I.

THE Way in which I intend to proceed, is, First, To *State* and *Confirm* the Two Points in Question, shewing upon each of them, wherein the Right claim'd seems to consist, and what I take to be the chief Evidences and Proofs upon which it is founded. After this I shall consider the *Exceptions* of all sorts that have been taken to this Claim by Dr. Wake, or any other Writer, who has appeared on the same side; particularly by the Author of the *Letter to a Member of Parliament*.

Upon the first of the Two Points, in order to give our selves a clear Account, What the present Right is, it will be requisite to step back a little, and enquire, What the former Usage has been; What the Custom of this particular Church and Realm in relation to such Assemblies; And what also the general Practice of the Church of God in all Ages.

A *Convocation*, or *Provincial Synod*, (for so we now use the Word) may be considered, either *Simply in it self*, or as *Attendant on a Parliament*. I shall take these Two several Views of it; and the first of them in this present Chapter.

That such Assemblies have been held frequently from the very beginning of Christianity, and under Heathen Emperors, appears abundantly from *Eusebius* \*, *St. Cyprian* †, and || *Tertullian*. They were necessary for deciding the Differences that might happen between

\* L. 5. c.

23, 24.

† Ubique.

|| De Jejun.

c. 13.

one Diocese and another, or between those of the same Diocese, if they could not be composed at home; for the maintenance of sound Doctrine, and wholesome Discipline, and for the promoting of the general good of Christianity.

The Authoritative part of these Meetings was compos'd of the *Bishops* and *Presbyters*, who sat; \* the *Bishops* (in a Semi-circle) formost, and the *Presbyters* behind them; before whom the *Deacons* and the *People* stood, being little more than Witnesses of what pass'd at the Synod.

\* Conc. Eliberit. in Prozm.

Greg. L. 4. Ep. 44.

4. Conc. Tolet. Capit. 3.

Cypr. Ep. 1. Graviter commoti sumus Ego & Collegæ mei qui præsentés aderant, & Compresbyteri nostri qui nobis assistebant.

The *Presbytery* were in every City, a necessary standing Council to their respective *Bishops*; (whose Power in the Church was much like that of a King in one of our mix'd Monarchies;) and together with their *Bishops* therefore they met in a *Diocesan Synod*, upon all great Causes; and without their Advice and Consent, nothing of Importance was, or could be determin'd. This was the settl'd Rule of the Primitive Church, and was kept up to here in *England*, when it had declin'd almost every where else; as the Constitutions of *Egbert* \* Arch-Bishop of *York*, made in the middle of the Eighth Century, declare. And some Remains of this Ancient Discipline are yet visible in those *Capitular Bodies* planted in our *Cathedral Churches*; who, as they were Originally intended to be a *Select Presbytery* to the Bishop for all the Affairs of his Diocese; so have they still a Restraint upon his Authority in several Cases, by the known Customs of this Church; and Laws of the Realm.

B 3

Some

\* Can. 44,

45, 46, 47,

apud *Spelman*. Conc.

T. 1. p.

258.

Some of their *Presbyters* the Bishops were oblig'd to carry along with 'em to the *Council of the Province*; and there, I say, they Sat, Deliberated, and Voted upon all Matters that came before the Assembly. Indeed to *General Councils*, the Inferior Clergy came not ordinarily in their Own Right; but as the Proxy's only of absent Bishops: which was necessary to hinder those Meetings from being too numerous, and to prevent Confusion. However, even the Bishops that were present in General Councils, were deputed thither by Provincial Synods; \* and brought along with them the Resolution and Consent, of the several Churches from which they came: and the *Presbyters* therefore, having Voices in those lesser Synods, their Consent was also in the Definitions of the Greater presum'd, and included.

\* See the  
Emperor's  
Letter to  
St. Cyril.  
Conc.  
Ephes.  
Part I.  
as also The  
Epistle  
of Capre-

olus Bishop of Carthage, excusing himself for sending no Bishops, because the War, which had broke out in those parts, hindered him from calling a Provincial Synod, from whence they were to be deputed. 1b. pars 2. Act. 1.

In one of these Provincial Synods, held in the Second or Third Century, was that, which is since call'd the 37th Apostolick Canon fram'd; which orders, that there shall be two of these Assemblies yearly, one in Spring, and the other in Autumn. The same thing (with some small variety, as to the exact time of Meeting) was by the Great Council of *Nice* decreed more solemnly; \* and their Decree enforc'd by the Council of *Antioch* † first, and then by the Fourth General Council at *Calcedon*, ∴ Afterwards by reason of the difficulty of convening in times of War and Confusion, these Synods were order'd to meet but once

\* Can. 5.

† Can. 20.

∴ Can. 19.

once a Year, by the Sixth || and Seventh General Councils \* in the *East*, and this Order was renewed here in the *West*, by the Fourth great *Lateran* Council, held under *Innocent III.* at the beginning of the Thirteenth Century. \* And thus the general Law of the Church stood in succeeding times; as to Us at least: For the Decree of the Council of *Basil*, † which † *Self. 15.* made these Meetings Triennial, was not, I think, received here in *England*.

The Rule set by these General Councils || || *All of 'em* was prescrib'd also by the *Roman Law*, \* receiv- (*but what* ed into the *Capitulars* of *Charles the Great* in at *Anti-* *Germany*, † and provided for very early by spe- och) regu- cial Canons in the Churches of *Spain* and ted such.

*France*, || and of those lesser Kingdoms that arose out of the Ruines of the *Roman Empire*; and particularly here in *England*, by a Canon of the Council of *Herulford*, ∴ held Anno 673 under *Theodore* Arch-Bishop of *Canterbury*, and which took care not only to establish the Practice for the future, but also to affirm the ancient Usage; it being at the very entrance of the Acts of it, expressly said to assemble in Vertue of the Old Canons, as it was held also much about the Time, that those Old Canons prescrib'd. †

The *Lateran* Canon, that reviv'd the use of Yearly Provincial Assemblies, was in force here (as *John de Arbon* tells us ||) tho' not so well observed, he says, as it ought to have been, for a Reason too reflecting to be

|| Can. 8.

\* Can. 6.

\* Can. 6.

† *Self. 15.*

\* *Justinian. Nov. 123. c. 10. 137. c. 4.*

† *Lib. 1. Tit. 13.*

|| 3. *Conc. Tolet. c. 18.*

*Conc. Regiens. c. 7.*

1. *Conc. Araus. c. 29.*

2. *Conc. Aurel. c. 2.*

2. *Conc. Turon. c. 1.*

∴ *Beda, l. 4. c. 5. Placuit convenire nos juxta morem Canonum Venerabilium.*

† *Sept. 24.*

|| *Proem.*

*Othob.*

∴ Qualia *Concilia Provincialia* singulis annis celebrari ponitur sub præcepto: quod non est ergo negligendum—Sed hodiè de facto prætermittitur, quia fortè *Lucrum Bursale Prælati non acquiritur*; sed potiùs tunc *Expensæ* apponuntur.

He gives I find, the same free Reason in another place, for the neglect of some Provincial Constitutions. De facto perraro servantur, quando servando Constitutionem Bursæ Prælatorum vacuarentur. Sed aliæ Constitutiones; quæ Prælati Bursales sunt, satis memoriæ commendantur, & exequuntur ad unguem. Ad Constit. de Hab. Cler.

\* For Pitts's Account, which has been taken all along upon trust, (viz. that he flourished in 1290) must be a mistake; since Athon was made Prebend of Lincoln in 1329, and died in 1350, as I find by unquestionable Authorities.

† De modo Conc. Gen. cel. Ruhr. 11.

\* Decr. *Innocent III.* in his Rescript to the Archbishop of Sens \*, directs, that the Proctors of Cathedral Chapters should be summon'd to these Provincial Synods: From whence alone, without further enquiry, we might be satisf'd, that the Priors of Cathedral Churches, Deans, and Archdeacons, those Prælati Inferiores, had been admitted before; as indeed the Capitular Clergy, and even the Rural Presbyters had been; tho the Practice might be now discontinued. For, 700 Years before the Date of this Rescript, in a Spanish Council at Taragone †, we find it particularly provided, that the Bishops should

bring along with them to these Synods, Presb. tales à Metropolitanis sunt dirigendæ, ut non solum de Cathedralibus Ecclesiis Presbyteros, verum etiam de Diœcesanis ad Concilium trahant. c. 13. byters



byters from their Cathedral Churches, and from the other Churches of their Dioceses.

And in the account of a Domestick Council of our own, not full an hundred Years Elder than the *Lateran*, the Persons summon'd to it are thus reckon'd up by the *Saxon Chronicle* \*, *Bishops*, *Abbots*, *Archdeacons*; all the *Priors*, *Monks*, and *Canons*, who were in all the Religious Houses of *England*: Finally, *All that had the care of Religion committed to them*; i. e. I suppose the Parochial Presbyters.

\* Regis  
Consilio  
& Venia  
misit Wil-  
lielmus Ar-  
chiep.  
Canuara-  
byrig per

Totam Anglorum Terram, & iussit Episcopos, & Abbates, & Archidiaconos; cunctos item Priores, Monachos, & Canonicos, qui essent in omnibus Cellis intra Anglorum Terram: omnes denique quorum Cura Religio erat commissa interesse Londini ad Festum Michaelis, ut ibi colloquerentur de omnibus Negotiis ad Deum pertinentibus, &c. Chron. Sax. ad ann. 1129. The Saxon is, *Ealle tha thet Cristendome hasdon to begeben, &c to locen.*

The Decree of *Innocent* was so well obey'd in *France*, that in a National Council, which met there about Ten Years afterwards †, the Proctors of *Chapters* were Numerous and Resolute enough to quash an oppressive Demand there made by the Legat, and to rescue the Liberties of the *Gallican* Church, for that time, from Papal Encroachments. In *England* the way was, for the Dean, or Prior, to bring up Instruments of Proxy to the Synod, which enabled him to act for his Chapter, or Convent ||

† Anno  
1226. Vi-  
de M. Par.  
ad ann. p.  
329. where  
he has these  
Observable  
Words. De-  
dit Lega-  
tus in do-  
lo Procura-  
toribus

Capitulorum Licentiam ad propria revertendi, retentis tantum Archiepiscopis, Episcopis, & Abbatibus, & simplicibus Prelatis. Unde non immerito timuerunt, ne procurata eorum absentia qui majoris Prudentia erant & Experientia, & pro Multitudine potentiores ad contradicendum, aliquid statueretur in prejudicium, &c.

|| Priores Installati tam sub Conventus sui, vel Capituli, quam suo nomine Literas Procuratorias deferentes. M. Par. ad ann. 1237. p. 446.

Priores Majores cum Literis suorum subditorum Procuratoriis. An. Burt. ad ann. 1258. p. 389. in

∴ Archi-  
diaconi  
cum Lite-  
ris Procu-  
ratoriis  
factis ex  
parte Cle-  
ricorum  
qui sub-  
stant eis-  
dem Ann.  
Burt. ad

ann. 1257. p. 382. vide etiam pp. 373, 374, 355. & M. Par. p. 920.

\* Item præcipimus, ut—veniant duo Electi ad minùs à Clero Epil-  
copatum singulorum, qui auctoritatem habeant una nobiscum tracta-  
re de his quæ Ecclesiæ communi utilitati expediunt Anglicanæ, etiam si  
de Conturbatione aliquâ vel Expensis oporteat fieri mentionem.

In Cap. de Exeq. Episc. ad Finem Lynwood. p. 25.

Thus have much the same Persons been sum-  
mon'd all along, as now: But to what Ends, and  
with what *Authorities* they came, may be que-  
stion'd. The Canonists, who never fail to de-  
press the Bishops for the Service of the Pope,  
would make them some amends, in giving  
them as extravagant an Authority over their  
Inferiors. Lynwood therefore, in his Gloss up-  
on that part of a Constitution of Archbishop  
Arundel, where mention is made of their Con-  
curring to it †, is trying how little he can  
make of them. The Words of the Constitu-  
tion are these. [*Ad supplicationem igitur Procura-  
torum totius Cleri nostri Cant. Prov. de Consensu  
& Assensu omnium Confratrum & Suffraganeorum  
nostrorum & aliorum Prælatorum, in hac Cleri Con-  
vocatione præsentium, & Procuratorum absentiu-*  
um,

† Const.  
Finaliter.  
P. 300.

um, &c. Statuimus & Ordinamus.] And his Comment upon them runs thus, *Aliorum Prælatorum, sc. Abbatum, Decanorum, & Archidiaconorum: Præsentium, non dicit, Vocatorum: quia ad Provinciale Concilium non sunt Vocandi, ex necessitate, nisi Episcopi. Si tamen alii veniant, Admittendi sunt: imò vocandi sunt, quando de eorum Factis agitur, vel quia eorum Consilium est necessarium.* Now here one cannot but observe, how small an occasion he takes for this strange Doctrine. For *Præsentium* in the Text, belongs as well to the Superior as the Inferior Prelates; and gave no room to him therefore thus to refine upon it. And then, when he has delivered it as his Opinion, *Non alii sunt vocandi, &c.* he is afterwards forc'd to retract it; *Imò vocandi sunt.* This indeed he would fain qualifye, with a *quando de eorum factis agitur*; but is immediately oblig'd to add, *vel quia eorum Consilium est necessarium.* So that, at last, the Inferior Prelates are allow'd by him to be Necessary Counsellors in the Assembly; and to have not only Opportunity of Petitioning, but also Power of Advising: which however is not so much as the Text it self allows them; expressing the Assent and Consent of both sort of Prelates jointly, without any manner of Distinction.

And tho' the Chief Business of the Proctors of Chapters and Dioceses was, to Petition for the Redress of Grievances; under which they chiefly groan'd: yet that they came from the very beginning, with larger Powers, appears from the Constitution of Reading lately cited\*, and from the Ancient Forms of the Archbishop's Summonitory Letters, which ran, *ad tractandum una Nobiscum*, exactly as that Constitution

\* Quæ  
Autorita-  
tem habe-  
ant una  
Nobiscum  
tractare de  
hiis quæ  
Ecclesiæ  
&c.

stitution prescribes : An Instance of which I have seen , in an Old Register, as high as the 18 E. 1. *that is*, Eleven Years after the Council of Reading was held.

Nay, even at such times, when they had no distinct Proctors of their own to represent them; but sent up only Procuratorial Instruments by their Archdeacons ( as the Custom was in the preceding Reign ) yet still the Synodical Constitutions ran in their Name , and express'd their Consent and Approbation. †

† Thus in  
the Council  
of Merton

42 H.3. the

*Constitutions there made are said to have pass'd, de Unanimi Assensu & Consilio Prælatorum Religiosorum, & totius Cleri Ecclesiæ ( Addita-  
menta ad M. Par. p. 204. ) and in the Close of them yet more plainly.  
Archiepiscopi & Episcopi de Consensu & Approbatione Inferiorum  
Prælatorum, Capitulorum Cathedralium, & Conventualium, nec non  
Universitatis totius Cleri Angliæ hæc prædicta communiter & con-  
corditer providuerunt. Ib. p. 209. See also Ann. Burt. p. 389. At  
also Constit. Provinc. ad Finem Lynwood p. 15. where they are by mi-  
stake, plac'd at the Year 1261 instead of 1258. Lynwood has inserted  
some of them in his Provincial ; and there in his Gloss. upon the Pre-  
face to them, tells us, that by Inferior Prelates, are to be understood Ab-  
bats, Priors, Deans, and Archdeacons : ( p. 314. ) and the Universitas  
Cleri therefore must signifie the Lower Secular Clergy of the several  
Dioceses.*

Nor was this any late Priviledge, but what was always understood to belong to their Character, even in the Saxon times ; when mere Presbyters, we find, subscrib'd frequently to Councils, and sometimes in great Numbers : Witness the Synod of Cloveshoe in 803 ||, the Subscriptions of which Mr. Wharton, ( a diligent Examiner of these kind of things ) thought Authentick : beyond Exception : And there

|| Apud  
Spelm.  
Conc.  
Vol. 1. p.  
325.

∴ Ista non inanem Veritatis speciem præ se ferunt, & præ aliis omnibus fidem meruerunt, De Episcopis Londinens. p. 23.

we find besides Twenty Six Abbots, near Forty simple Presbyters, Rank'd regularly under their several Bishops according to the Dioceses from whence they came : And with them, some few of a Lower Order ; who were admitted also, 'it seems, to these Synodical Debates, according to the moderate and gentle Form of Church-Polity which obtain'd in those Times. And in the Preface therefore to the Canons of an Elder Synod \* held at the same place, we meet with these remarkable words : *Sacri Ordinis Præsules, cum plurimis Sacerdotibus Domini, & minoribus quoque Ecclesiastici Gradus Dignitatibus, ad Locum Synodalem, cum venerabili Archiepiscopo Cudberto convenerunt, & de Unitate Ecclesiæ, & Concordiâ Pacis tractandâ, confirmandâque pariter Confederunt.* †

\* An. 747.

† Spelm.  
Conc. T. I.  
p. 245. E  
Codice, ut  
inquit,  
vetustissi-  
mè MS.

Nor had the Inferior Clergy less Interest in the Convocations, even of Arundel's immediate Successor (and Lynwood's Patron) Archbishop Chicheley ; who in his Letters Mandatory to the Bishop of London, says, *Regiis & Regni Incolarum hortatibus excitati, Confratrumque nostrorum & Cleri Provinciæ nostræ ducti consiliis, quin- amo & nostri Provincialis Concilii Robore ac De- creto suffulti, de expresso consensu Confratrum nostro- rum & Cleri antedicti, Volumus, Statuimus, & Præcipimus.* In another, *De Fratrum nostrorum*

|| P. 69.

*& Cleri in eadem Convocatione præsentium Voluntatibus, Consilio. & Affensu.* In a Third, *De nostrorum Fratrum ac Cleri Provinciæ Consilio & Affensu (\*)* : In a Fourth, *De Venerabilium Confratrum nostrorum aliorumque Prælatorum, & Cleri Provinciæ Consensu pariter & (†) Affensu.* And lastly, *Nuper in Concilio nostro Provinciali celebrato coram Nobis, Vobis, Cæteris Confratribus & Coepiscopis*

:: P 70.

(\*) P. 72.

(†) Ibid.

† P. 73.

*copis nostris depositum fuit per Clerum nostræ Provinciæ & graviter querelatum quod, &c. Quare ex parte Cleri prædicti fuimus cum Instantiâ non modicâ requisiti, quatenus hos Casus & Articulos Autoritate dicti Concilii publicè proponi & exponi debere decernere dignaremur. Nos idcirco ex Assensu vestro & aliorum Confratrum Coepiscoporum & Suffraganeorum nostrorum exponendos fore decrevimus prout etiam decernimus in † præsentia. This last Form agreeing exactly with those of the Acts of Parliament of the same date; where, Our Lord the King, by the Advice and Assent of the Lords Spiritual and Temporal, and at the special Instance and Request of the Commons, Ordains and Establishes.*

Thus did the practice of Lynwood's own time, and the Style of those Constitutions, some of which probably he himself Penn'd, over-rule the Assertion of his Gloss. But he seems to have been led into it, as other Canonists might be, by his knowing no more of Provincial Councils, than what was to be found in his Gratian (whom he there Cites in Dist. 18.) where Bishops only are mentioned. And from thence he might be induced to think, that the latter practice was from Condescension, and that even Pope Innocent's Decree was an Abridgment of the Episcopal Right, and to be Interpreted as strictly as possible. Whereas the Writings and Usage of the Primitive Church, and even the Elder Records of our Own, would have informed him, That this was no new Concession to the Presbyters, but an Affirmance only of their Original Right; as Gerson, and others of that Age knew very well, who therefore stile them *Hierarchæ Mi-*

nores; and as *Lymwood* himself might have reflected, where he observes, That in our Church-Constitutions the Word *Praelati* was applied often to some of the lowest, even of the Lower Clergy, the *Presbyteri Plebani*, or Rectors of Rural Parishes \*.

I have made the best Excuse that I can for him; for I am not willing to believe, that the Dedication of his Book

\*De Sacr. iter. vel non. c. Ignorantia. v. Praelati De Foro Competenti c. Circumspecte. v. Item si Praelatus.

had any Influence upon the Doctrine of it; or that he studiously fell into such Opinions, as he knew would be grateful Above; though I must needs say, That he has decided in this Case more like a Dean of the Arches, than a Prolocutor of the Lower House of Convocation, which he sometimes was †: And perhaps One, that had less regard for his Character than I have, would be ready to suspect, that he might by this time have his Eye upon the Bishoprick of *St. David's*.

† Tit. de Decimis. c. quoniam. v. Provinciam.

speaking of something

done in a Convocation held under Chicheley, he adds — Me tunc existente Prolocutore ipsius Cleri.

But our Bishops themselves have been more just to the Rights and Interests of the Inferior Clergy, allowing them not only a Consultive, but a Decisive Vote also in Synods, and that deriv'd from Primitive Practice; for thus I find it laid down in a Paper Sign'd by Four of them, under *Henry the Eighth's* Reign; "In all the Ancient Councils of the Church in Matters of Faith, and Interpretation of Scripture, no Man made *Definitive Subscription*, but Bishops and Priests; forasmuch as

" the



† Hist of  
the Ref.  
Vol. I.  
P. 174.

“ the Declaration of the Word of God pertaineth unto † them ”. A Testimony, that, being given by those of the Higher Order in the Church in behalf of the Powers and Priviledges of the Lower, must be allowed Considerable.

In the course therefore of our Provincial Synods, the Inferior Clergy's Consent was expected, and not that of the Suffragans only. But still, as we may observe, the Archbishop alone is said to *Decree and Ordain*; which is a stile of Authority peculiar to him Here, and beyond what belonged Originally to his Character. Indeed by the ancient Rules of the Church, the Metropolitan's Consent was necessary to make the Ordinance, and He had the *Key*: But the Stile and Power of the Archbishop of this Province might in this respect run higher, because he challenged to be looked upon as something

¶ Quasi velitis (says Peckam in a Letter to the Bishop of London) Jura Cantuariensis Ecclesie — ad Simples Metropolitanos Limites Coarctare. Whart. App. ad Hist. de Ep. Lond. p. 270.

more than a simple Metropolitan, and had the Title of a Legat Born; and in virtue of that Character he might take upon him to Decree and Ordain, as the Pope did in Foreign Councils, and as the

King here at home used to do in our elder Statutes. And as these, at the end of every Session of Parliament, were used to be Enacted by the King; so the Provincial Constitutions were published on the last Day of the Synod, by the Archbishop. He also, some time afterwards, enjoining the Bishop of London, and by him, as Dean of the Episcopal College, the other Bishops, to see them promulged

mulged and Executed ; as Acts of Parliament were ordered to be Proclaimed, by the Comes at first ; and since by his Vicar-General the Sheriff.

This was the manner of holding Councils, and making Canons ; neither was it necessary to have the King's, or Pope's leave, to hold the one ; nor was their Authority requisite for Decreeing the other. The Clergy were only to take care that they did not exceed their Limits, either in the Matter or Manner of their Decrees, and that their Constitutions were such, as would not be Revoked and Annulled by either of those Supreme Powers.

The Metropolitans were by the Canons (and by the Roman Law where it had force) Oblig'd to call those Synods Yearly. Neither was there to be ask'd for their Summoning such Assemblies then, any more than there is now for a Bishop's Convening his Clergy and Church-Officers to a Visitation : Not because those Canons were above the Law of our Country ; but because they were received into it, and made a part of the Constitutions and Usages of the Kingdom.

Thus the Archbishop called them sometimes at the King's Instance, signified to him by a Royal Writ. Yet even then, not in Virtue of a Writ, but by his Own Authority ; By which also (whether called at the King's Instance, or not) he always Dissolved them. And of this we have a very remarkable proof in the last Convocation under Henry the IVth || ;

*It met on the 6th of March. He Died on the 20th, but the Convocation sat on to the 10th of May ; when it was Dissolved.*

\* Nov. 113.  
c. 10.

§ Hen IV.  
Writ for  
the Calling  
it, bears

lma

C

whiah,

which, though Meeting at his Writ, was yet so little thought to be held in Virtue of it, that it Sat for near Two Months under his Successor, Henry the Vth, without a Dissolution.

Till Archbishop Chicheley's time, Convocations were frequently held, even while Parliaments were sitting, without any other Writ from the King but what was contained in the Bishops Summons, with the Clause *Premunientes*.

After the 8. of H. VI. the Clergy, if they met by the King's Letter, had the benefit of the Act of Parliament of that Year; and therefore, I suppose, usually desired it to gain the Parliamentary Protection; not, as Fuller idly Conjectures\*, to avoid a *Premunire*.

When they met, † Writs were often sent to them by the King, Forbidding them to attempt any thing against his Crown and Dignity; and these Prohibitions are allowed to have been Tacit Permissions of such Assemblies, provided they kept within their Bounds †. And so indeed they certainly were, for otherwise it had been as easy for the King to forbid their Meeting and Sitting, as their Acting in such

\* Ch Hist.  
Book 5.  
p. 290. and  
Dr. Wake  
from him  
p. 230.

† Mr. Nicolson  
(Eng Hist.  
Lib. part  
3. p. 196.)  
says, They  
were Inhi-  
bited in  
their very  
Writs of  
Summons  
from De-

creting any thing to the Prejudice of the King or his Realms: And for this, he refers us to Dugdale's Summons in the Reigns of E. 1. and E. 2. where there is not a word to this purpose; nor can there be, for Dugdale has no Writs for Convocations, but only for the Parliament. When the next Edition of his Work comes out, he will be pleased to tell us, from whence he drew this curious Remark. I have seen many Convocation Writs, but never, that I remember, one with a Prohibition in the Belly of it.

† Bishop Stillingfleet's Duties and Rights of the Parochial Clergy, p. 371.

and such Instances ; which yet he appears very rarely to have done ; and to have been yet more rarely Obeyed when he attempted it \*.

*The Oldest Instance insisted on,*

is a Prohibition of Geofry Fitz-Peter, Lord Justiciary to Hubert Archbishop of Canterbury : But how it was obeyed, the Annals of Lanercost [in Bib. Cott. Claud. D. 7.] declare, Hub. Arch. Cant. celebravit Concil. contra Prohibitionem Gaufridi, &c. in quo Concilio Archiepiscopus Subscripta promulgavit Decreta, (Ann. 1200.) The Oldest Writ produced is, 9 Joh. Ann. 1208. See it in Pryn. 3. Tom. Eccl. Jurisd. p. 10. Whether comply'd with, or not, I do not find : But suppose it was, for it issued out upon a Complaint of the whole Parliament. A Third Instance I find in the 41 H. 3. Rot. Cl. M. 6. dorf. when the Convocation was forbid meeting at London, because the King had at that very time Summoned all the Members of it, that owed him Service, to Attend his Army in Wales. [ See the Writ, Pryn. Ibid. Vol. II. p. 890. ] But though this Prohibition was so reasonable, yet it was not Obeyed. On the contrary, when Archbishop Boniface, at the Opening it, proposed this Question to them, among others ; Item, Cum Dominus Rex Prohibuerit Prælati Ecclesiæ sub fofisfacturâ omnium terrarum suarum quas de eo tenent, he venient ad hujusmodi Convocationem Auctoritate Domini Archiepiscopi factam ; an liceat, & deceat, & expediat tractare in hujusmodi Convocatione de Negotiis Ecclesiæ, vel potius (quod absit) Prohibitioni Regiæ parere, &c. [ Ann. Burt. p. 383. ] it was carried, that they should proceed notwithstanding : and so they did, as appears by the Roll of Grievances then drawn up, and presented (M. Par. Addit. p. 199.) But afterwards in the 20 E. 2. the Archbishop having called a Convocation to meet at London in Quind. Mich. and the King a Great Council, at the same time, at Sarum ; a Writ went out to the Archbishop in this Form, Vos rogamus ex affectu, Vobis nihilominus in fide & dilectione quibus nobis reuerimini firmiter injungentes ; and upon this he Prorogued the Convocation for a Fortnight.

When therefore Archbishop Stratford † held † An. 1347. a Provincial Council on purpose to oppose some Arbitrary Proceedings of Edward the III. (who pretended, by the Advice of his Great Council only, to Revoke what had been Enacted in Parliament) we find not that the King forbid the Assembly, but only their Treating and Agreeing of such things as were to the hurt of his Prerogative Royal ; Prohibitions of

this kind were sent to every Bishop of the Province, (Tested on the same day with the Writ of Revocation to the Sheriff, which is Printed very unbecomingly, I think, with our Statutes) and one of these Forms, for the Honour of that Archbishop, and the relation it has to the Point we are upon, I shall present the Reader with in the *Appendix* \*.

\* See  
Numb. I.

† Pat. 37.

H. 3. m. 19.

apud

Pryn.

Eccl. Ju-

risc. T. 2.

p. 807.

¶ 21. H. 3.

Concilio

jam incz-

pto, missi

sunt ex

parte Do-

mini Re-

gis, Comes Lincoln.

Johannes, & Johannes Filius Galfridi, & Will. de

Rale Canonicus S. Pauli, ut dicto Legato ex parte Regis & Regni

inhiberent, ne ibi contra Regiam Coronam & Dignitatem, aliquid

Statuere attentaret. Et remansit ibi, ut hoc observaretur, Will. de

Rale, indutus Cappâ Canonicali, & Supellicio, aliis recedentibus.

M. Par. p. 378,

In Conv. habitâ 23 Jul. 1408. in Causâ Unionis.

The King had also his *Proctors* †, or *Commis-*  
*sioners*, sometimes in these Meetings, who Pro-  
posed, Protested, and Appealed on his behalf;  
but they were ever Men in Holy Orders.  
His great Lay Lords, and Ministers indeed,  
carried frequently his Commands thither, but  
none staid there || to Act for him, but Clergy-  
men only: Though sometimes the King him-  
self has vouchsafed to Appear and Sit in Con-  
vocation; as in *Arundel's* Register, *Henry* the  
IVth is once remembered to have done.

In these Assemblies, the *Gravamina Cleri*, or  
*Articuli Reformationis* were constantly expected  
from the Lower House; and ran so high some-  
times as to propose *Reformanda per Dominum Pa-*  
*pam, per Archiepiscopum & Suffraganeos, per Con-*  
*vocationem, per Parliamentum*: And Solicitors  
were Appointed to prosecute such Reformati-  
ons in Parliament. These the *Organum Vocis*  
*sue*, their *Prolocutor*, or *Referendarius* exhibited  
in a Schedule: and their Petitions had answers

as those of the Commons were used to have from the King anciently. Harpsfield, and *Antiquitates Britannicæ*, afford us many Instances of this Kind; but the Manuscript Acts of those Synods more; and this is one of them, *Inter alia propositum fuit à Clero, ut Episcopi dignentur Canones executioni mandare. Imprimis, de Professionibus vestris, quod legantur coram vobis ad minus bis in Anno. 2. De Visitationibus. 3. De Residentiâ & Regimine Episcoporum. 4. De Regimine, Gestu, & Vestitu Familiarium vestrorum*: Which Instance is not given so much for the Articles, as for the Answer to them; *Omnia ista sunt promissa, statuta, ac concessa: & fiet Executio per quemlibet, ad quem pertinet, prout respondebit coram Deo, & proximo Concilio Provinciali* \*. And in that very Convocation which submitted to H. the VIII. the Lower House, as dispirited as they were, took heart to complain to the Upper of the Practice of some Bishops, in those days, who took Bonds of Resignation of all the Clerks they preferred in their Dioceses, in order, as they said, to oblige them to Resignation †. The End was very good, but the Means was thought unjustifiable; and the Clergy in Convocation therefore thought it worth their while to endeavour a Redress; though I find not whether they effected it, or what Answer was returned.

\* Regist. Arundel.

† Item petunt, quod Presentati ad Ecclesiasticum Beneficium non ar-

entur per Diocesanos Scripto aliquo Obligatorio aut Poena Temporalis ad Residentiam — Acta Conv. inceptæ Nov. 5, 1529. in eff. 22.

But among all their Grievances I have never observ'd the want of Convocations mention'd in one of them. The Clergy indeed complain



some times of their being called together too often, and kept sitting too long, and beg a Dismission; and the Archbishop excuses himself frequently on that Head in his very Letter of Summons. But I have seen no Intimation any where that they wanted an opportunity of Meeting; which is a certain sign that they never wanted one; never I believe from *Anselm's* days (who by the favour of *H.* the Ist. reviv'd those Meetings, that had been suppressed by *W.* the IId. \*) down to the very times that we live in.

\* Concilium non permittit

[Rufus] celebrari in Regno suo ex quo Rex factus est jam per 13 Annos, says *Anselm* to Pope Paschal, L. 3. Ep. 46. And what the Consequence of this Intermission was, the Synod which met at the beginning of *H. I.* declares, — Multis verò annis Synodali Culturâ cessante, viciorum vepribus succrescentibus, Christianæ Religionis Fervor in Anglia nimis refrixerat. Eadmer. p. 67.

No more than this needs be said to furnish the Reader with an Account of Provincial Synods, and their Rights, as allowed and practised in this Realm: Such an Account, I mean, as is necessary to set the *General* part of this Dispute in a true Light, and to lead the way to matter which is more Pertinent and Particular; and which I shall go on to suggest, after I have added a Reflection or two that arise from what has been already delivered.

It is plain that the *Power* lodged in the Metropolitan of calling together such Members of his Province, is likewise accompanied with a *Right* in those of his Province to be so called; and that the *Vis Præcepti*, of which *Artho* speaks †, lies as well upon the Superior, as on his Inferiors: The Bishops, for Instance, having

† In Pro-  
m. Othob.



ving as much Right by the Canon Law to demand such a Meeting for the Good of the Church, as the Metropolitan has Authority to Assemble it; and the Obligation running reciprocally, though the Power does not. It is indeed not so much a *Power*, as a *Trust* that is lodged in him; and for which therefore by the Ancient Canons of the Church \* and by the Imperial Law † he was made accountable. 'Tis in this case, as in that of our great Lay Conventions, the Assembling of which is not only part of the Prince's *Prerogative*, but of the Subjects *Right*; and matter of *Duty* as well to those who Call, as those who are Called to them; and would oblige therefore, though there were no positive Law that fixed the times of such Meetings.

\* 7. Gen.  
Conc.  
Can. 6.  
τῆς ἁγίας  
ἐκκλησίας  
ἐκείνης,  
Canonis  
pœnis  
Subjiciatur.  
† Nov. 123.  
c. 10.

Indeed Either of these Assemblies, in State, or Church, may sometimes have been intermitted for emergent Reasons, and such as the Members themselves that compos'd 'em might be presumed willing to allow; yet those Intermiſſions must not be supposed to take away the Right of meeting, except they are withal suppos'd to take away the Right of Convening. So that the Provincial Inferiors may well demand to be Assembled, as soon as those Reasons Impedient shall cease; and much more, when stronger Reasons shall arise on the other side, such as would justify the Clergy's desire of an extraordinary Convention, if they had not an ordinary one to claim.

And among many other Reasons which may occasionally move Inferiors to claim the Continuance of these Meetings, this may be one, That their Right begins to be questioned by the Discontinuance; especially if the Superior

perior shall take care to assert his Own, at the same time that he sets aside theirs; and Commanding them to Come, shall yet not suffer them to Assemble in Form; nor let them, instead of being a Convocation Legally to confer together, and to frame their Requests to their Lordships, the King, or Parliament, be so much as a *Congregation*, once to say their Prayers together, and hear a Sermon.

Now as it is manifest that this Right of Assembling is Attested by the usage of our Church, and founded upon the Canon Law; so may it be remembred, that it is no *Papal* Grant, but derived from very ancient Christian Practice, established by the great Council of *Nice*, and other succeeding General Councils, and adopted particularly into the Body of the Canons of Most (I might say, All) Christian Nations. The Disuse, indeed, and Suppression of Synods, has been frequently charged upon the Arbitrary Proceedings of the Papacy; but no Primate need fear lest he should be thought to take too much of the *Legatus Natus* upon him, if he pleases to convene them.

For so far are the Clergy of *England* from being Unreasonable or Singular in their Desire of such Meetings, that there is no part of the Reformed Church beside, that does not duly hold them. They are constantly kept up in the *United Provinces*; and even in *France* they were never denied the Protestants by this King, as long as the use of their Religion was allowed them: These Assemblies having been always esteemed by all Christians as the best and most proper means for the Preservation of Unity,

Unity, and suppression of Errors and Disorders in the Church of God.

To draw nearer home; what we plead for has been allow'd the present *Scotch Kirk*; nay, and something more than we plead for. I hope it will not be thought foreign to my Subject, if I stop to give some short account of it. Their *Assembly* has sat often since the Revolution, and done business, with a witness: if a thorough purging of Churches, and Universities; if exercising their Ecclesiastical Jurisdiction over the whole Kingdom (as well over those who renounc'd their Government, as those who own'd it) be, doing Business. If to Excommunicate, Suspend, and Deprive at Pleasure; if to be Patrons General of all the Livings of the Kingdom, and to Induct, as well as to Eject what Persons they thought fit; if by an *Act* of theirs (for so the Style runs) to appoint National Fasts, and to settle General Rules for Church-Discipline and Government, without so much as asking leave of the Civil Power, be doing Business, then, I say, the *Scotch Assembly* have within these ten years last past effectually done it. They have acted up to the utmost Extent of their pretended Divine Charter of Privileges, and have scarce been withstood in any one Branch of it: for tho' the King's Commissioner has sat with them, yet has he not been allow'd either to interpose in their Debates, or to have a Negative upon their Resolutions; no nor so much as to confirm them. And when he pretended to adjourn or dissolve the Synod, they protested against it; and appointed a New Meeting by their own, without any regard to His Authority: and

and in the Intervals of their Sessions they have had a standing Committee of their Members, who have been, as it were, a *Perpetual Assembly*. These are the High Favours and Indulgences, that have with a Liberal Hand been bestow'd on our Neighbours in *Scotland*; to the utter Abolishment almost of the Civil Magistrate's Supremacy in Church-Affairs. Shall they who deny the Prince his Due, have more than their Due allow'd them? and shall not those have so much as their Due, who allow him every thing that either the Law of God, or the Law of the Land allows him? Shall not the modest Claim of an *Episcopal Church*, which professes all due Subjection to the State, put in for as fair an Hearing, as the Unreasonable Pretensions of an *Holy Kirk*, that acknowledges no Superior but *Christ Jesus*?

Nor have those of the *Presbyterial* and *Congregational* way been less indulg'd here at home: for that They too have their *Convocation* in as Regular and Full, tho' not in so open a manner as the Members of the Church of *England* desire to have, appears from that Circular Summons, which about Eighteen Months ago was issu'd out, and casually came into an Hand that it did not belong to. The World has already had a sight of it: however it may not be amiss once more to Print it in these Papers\*.

\* See the  
Append.  
N. II.

Nay the Privilege we claim is not deny'd to any the most Wild and Extravagant Sect among us: even *Quakers* themselves have their Annual Meetings for Ecclesiastical Affairs; and are known to have, and allow'd to hold them. Shall Schism and Enthusiasm (to say no worse) have

have the free Liberty of these Consults, for the Propagation of their Interests? and shall an Apostolick and Establish'd Church want it? God forbid!

In *Papish* Countries indeed these Synods are discountenanc'd, and out of use; notwithstanding the late Decree of the Council of *Trent*, which orders that they shall be Celebrated once at least in three years. But this Decree stands in the Acts of that Council to no other purpose, than as it is a Testimony of the sense that even that Corrupt Body of Men had of the necessity of these Assemblies; for the force of it vanished almost as soon as it was made: The Underharers in Spiritual Domination secretly agreeing to lay it asleep; and his Holiness (who alone can awaken it) conniving at their Neglect; because the less such Meetings as these obtain in the Church, the greater recourse will there be to his Chair, and his Empire will be the more Absolute.

In *France*, particularly, though this Decree has been Authorized by the Edict of *Blois*, and by several others, yet have there not been any *Provincial Synods* held in virtue of it for above these Threescore and Ten Years last past; that is, ever since the Council of \* *Bordeaux*; \*An.1624. unless we should call that Meeting of a few Prelates the other Day, to Condemn the Archbishop of *Cambray's* Book, a *Provincial Council*: And, if I mistake not, they called themselves so; by the same Figure, as my Lords the Bishops, who are of the Commission for Ecclesiastical Preferment, may be stiled a Convocation.

But

But true *Protestants*, and true *Englishmen* will like this Fashion the worse for being of *Papish* and *French* Extraction; and for coming from a Country, where both Civil and Ecclesiastical Liberty have expir'd long ago: As they are not any where observ'd to live long after one another.

## CHAP. II.

**T**HUS does our Right to these Assemblies stand by the *Law Ecclesiastical*: Which Law has been consider'd by it self, for the clearer Evidence of the Argument, and not in any opposition to the Temporal Government: It not following from hence that such Assemblies should be held, contrary to the Will of the Sovereign Power; but that the Sovereign Christian Power should be desired to permit, or rather to encourage them: If in this Request we were not already prevented by the Law of the Land, which not only allows, but commands them; as will appear, if, as hitherto I have enquir'd only into the Rights of a *Synod of the Province of Canterbury* at large, so I go on now to consider it as *Attendant upon a Parliament of England*. For so the matter at present stands, and has stood for 400 Years and upwards; to speak at the lowest: Tho' in the Elder Ages it plainly enough appears, that the Clergy came at once from both Provinces, and joined Nationally with the Lay Assembly.

That this was the usage of the *Saxon* Reigns is acknowledg'd from the remaining Monuments



ments of those Times: But what the Order of these National Assemblies was, is not, as I see, yet clearly discover'd. As therefore the most knowing and exact of our Antiquaries have thought it proper, for the better understanding of our *Saxon* Government, to go over into *Germany*, and consult the Laws and Manners of those Places from whence we came; so possibly we might not be much out of our way in this Argument, if we looked into *France*, and enquir'd how the *Franks* there govern'd themselves; those *Fellow-Germans*, and near Neighbours of our Ancestors; and who had much about the same time possess'd themselves of *Gaul*, as these had of this part of *Britain*; especially if we consider the times of *Charles the Great*, that Renown'd and Mighty Monarch; whose Example, had it vary'd from the Common Original Practice, would yet probably have been imitated by our Lesser Kings.

And here we may content our selves with what the judicious *De Marca* reports to us of this matter in his Excellent Work *De Concordiâ Sacerdotii & Imperii* \*: That in King *Pepin's* time, when the Kingdom began to recover it self from the Disorders it suffer'd before, it was resolv'd that two National Ecclesiastical Synods should be held every Year; the One in *March* in the King's presence; and where-ever he should appoint; the other in *October*, at the Place where the Bishops, in their former Meeting should agree upon. That whereas this last was a pure Ecclesiastical Council, the other was a Royal One, to which the Great Men of the Kingdom resorted from all Parts of it, to take their Resolutions for the succeeding Year:

As

\* L. VI.  
c. 24, 25.



As there was also towards the Winter, another Royal, but Privy Council, consisting only of the Great Ministers, and such others as the King thought fit to call; in which Matters, were prepared, and digested into Heads, to be proposed to the Greater Assembly in the Spring.

This General Convocation of the Spirituality and Laity, which was after by *Pepin's* Son, *Charles* the Great, appointed to meet on the first of May, was call'd indifferently *Conventus*, *Flacitum*, *Concilium*, *Synodus*, or *Colloquium*; and in Latter Times, *Parliamentum*, which word also is still retained. In it the Clergy and Laity deliberated sometimes together, and sometimes apart, according as the nature of the Business to be treated of was; whether purely Secular, Ecclesiastical, or mixt. When they were apart, as well as when together, the Great Persons, Earls, &c. were distinguish'd from those of a lower Degree; sitting by themselves, and on Honourable Seats. These too manag'd the Debates, and formed the Conclusions: the Commoners assenting, and sometimes speaking; but so, as rather to signify their Opinion, than give a Vote. This we may suppose to have been the Method also on the Spiritual side: And so *Hincmar* (out of *Adalbardus* Cousin and Counsellor to this *Charles*) expresses it: \* *Generalia* (says he) *Universorum tam Clericorum quam Laicorum conveniebat: Seniores* [that is, the *Magnates*, whether Counts or Bishops] *propter Consilium ordinandum*; *Minores* [that is, the *Lesser Barons*, and inferior, but qualified Clergy] *propter idem suscipiendum, & interdum pariter tractandum; & non ex Potestate, sed ex proprio mentis intellectu vel sententia confirmandum.* And after all, what was resolv'd

\* Ad Proceres pro  
Institutione Caro-  
lom Regis.  
c. 29.

solv'd on, in this Great Assembly, was present-  
ed to the Emperor : And what he in his Wis-  
dom approv'd, was to be observ'd by all \*.

\* c. 34.

Much after the same manner, I suppose,  
were the mixt Meetings of our Saxon Kings  
held. They were call'd by the same Name ; be-  
ing styl'd *Synodi* †, and *Concilia* ; tho' Secular  
Persons join'd, and Secular Affairs were trans-  
acted in them. They were compos'd of the  
same Persons : For there sat the *Bishops*, *Counts*,  
&c. and there attended the *Lesser Thanes*, and  
their Equals ||, the *Priests*, &c. the Spiritual  
and Temporal part of the Convention consult-  
ing together, or asunder :. as they saw occasi-  
on. They were conven'd, in like manner, twice  
a Year, by a Law of King *Alfred's* (\*) and one  
of those Meetings was fix'd (if not in his time,  
yet afterwards) to the *Calends of May*, (†) as it  
was in *Germany* ; And to this all the *Proceres reg-  
ni & Milites, & Liberi Homines universi totius reg-  
ni Britanniae* (‡) resorted, and it was stil'd *Plenus  
Folcmote*, and distinguish'd from the other *Folcmote*

† Which  
the Learn-  
ed Mr. Ni-  
cholson,  
with all his  
Saxon  
knowledge,  
seems not  
to have  
consider'd,  
where he  
asserts the  
Meeting at  
Twisford,  
in which  
St. Cuth-  
bert was  
chosen Bi-  
shop, to have  
been no Sy-  
nod, but a  
Parlia-

ment. [See his Notes on Northumberland, in the Engl. Cambden p. 859.]  
An Instance, which shews how fit he is for that Office he has taken upon him-  
self of being an Umpire in this Controversy. || LL. Athelst. §. 71.

*Missa Presbyteri & Sæcularis Thani iururandum in Anglorum  
Leges computatur æque carum.* LL. H. 1. c. 64.

. See Council of Cloveshoe Ann. 747. where tho' King Ethelbald, his  
Princes and Dukes were present, yet are the Canons said to be made by the  
Clergy alone ; who went aside for that purpose. Spelm. Conc. 1. 1. p. 245. And  
the same thing is observed in the Glossary, concerning the Laws of Athelstan,  
in voce Parliamentum. (\*) Mirror c. 1. Sect. 3.

(†) LL. Edv. c. 35. *Debent Populi omnes & Gentis Universæ singu-  
lis annis Convenire, scil. in capite Calendarum Maii.*

(||) LL. Edv. eod. cap. [Vide & Spelm. in *Gemotum*.] and in such a  
full Folcmote at this Earl Godwin was Ours-law'd in the Confessors time :  
For so is Knighton's account of it. Edwardus in Parlamento pleno God-  
winum cum Filiis suis exlegavit. X. Script. p. 2331.

There was another Full Folcmote, which was a County Court only.

where

where only the *Episcopi, Principes, & Comites* were present, which was the foundation of that difference that appears afterwards in our Records, between a *Great Council* and a *Parliament*; (or *Full Parliament*, as it is often Emphatically called) the one being a Select Convention of the Nobles and Great Men, the other a General Assembly of all the States of the Realm: And both the latter and elder Practice among us, as well as the Institution of *Pepin* and *Charles the Great*, were originally derived from the more ancient Usages of the Barbarous Germans, which *Tacitus*, in a well known passage thus describes; *De Minoribus Rebus Principes consulant, de Majoribus Omnes*, and adds, *Ita tamen ut ea quoque quorum penes Plebem Arbitrium est, apud Principes praeferantur* \*; which is exactly the same account that *Hincmar* has given us of the Custom, as it stood revived Seven hundred years afterwards.

\* *De Situ Moribus & Populis Germaniae.*

† Thus a Charter of present chiefly in order to † Approve. And

passed, *Consentientibus omnibus Britanniae Regibus, Archiepiscopis, Episcopis, Ducibus atque Abbatibus: And they Subscribed and Confirmed it, Cum Praesentia Populationis.* Monast. Vol. 1. p. 14. 15.

And so his Laws were made, *Exhortatione & Doctrina Episcoporum & Seniorum Sapientum.* And in *Magna Frequentia Servorum Dei* i. e. of Inferior Churchmen. Jorval p. 161.

And in relation both to the Lower Clergy and Laity, that Passage in one of *Ingulphus's Charters* is very observable, *Fidelium Infima Multitudine, qui omnes Regium Chirographum Laudaverunt: Dignitate vero sua nomina Subscripterunt.* p. 17.

I cannot bring my self to think that these and such like Phrases, signify only a Rabble, or mix'd Multitude that resorted to such Meetings as these of their own Accord; but must, still I am rather inclin'd, believe that some Order and Method was observed in Convening them.

some

some Footsteps there are of this Difference still visible in the several Writs to the *Lords*, and for the *Commoners*; the one running, *Quid intersit cum Prælatiſ & Magnatibus — tractaturi, veſtrumque Concilium impenſuri*; The other Ordering them to be ſent, *Ad faciendum & conſentiendum hiis quæ tunc ibidem de Communi Concilio contigerit ordinari de Negotiis antediſtis*: as the *Inferior Clergy's* Summons alſo was antiently worded; tho' ſince the Compleat Separation of the two Bodies it has ran, *ad conſentiendum* only.

And the ſame Diſtinction doubtleſs there was between their *Manner of Attending* thoſe great Councils, which was ſuch, as ſhew'd regard and diſtance; and is even now kept up to a Degree, when the Commons come to the Bar of the Houſe of Lords at the Opening and Diſmiſſion of the Parliament, and on other ſolemn occaſions. And ſo did the Inferior Clergy too; and that ſometimes, even after their Separation, as the Rolls of \* Parliament, when produced in their proper place, will ſhew.

\* Rot. Par.  
2. H. 4.  
n. 14.

To all which I ſhall add one Remark made on theſe *Saxon Meetings* by Mr. Selden, which will bring what has been ſaid of them nearer home to our preſent purpoſe. He obſerves †, That the *Shire-Gemots*, or *Sheriffs Turns*, were not only ordered by the Old *Saxon Laws* || to be held *Twice* a Year, as Provincial Councils were by the Canons; but punctually at the ſame Time alſo that thoſe Councils were to be Summoned (i. e. after *Eaſter* and *Michaelmas*) as the *Thirty fifth Chapter of Magna Charta* ſhews. And this he ſuppoſes to have been practiſed on the State ſide, in compliance with

† Note in Eadme- rum. p. 167. LL. Edgari Polit. c. 5. || LL. Ed. Conf. c. 35.

the Rules of the Church ; That the *Bishop* and the *Earl* ( or his *Sheriff* ) might have an Opportunity of sitting together in Court, according to the mixt Policy of those times. This does not exactly square ; because the Canons related to a Synod of the *Province*, whereas this was only a *County* Meeting : However I thankfully accept the Hint, and desire thus to improve it, — That the Two General *Folcmotes*, ( not the Particular *Shiremots* ) were adjusted to the Canonical Times of Assembling. For one of these we find, was to be held constantly at the beginning of *May* \*, that is, immediately after the *Easter Turn* was over ( for at the same Time both could not be held, since the same Persons were obliged to Attend both ) and therefore the other, we may presume, if it Met that Year, was held at the like Distance from the *Michaelmas Turn*. These County-Courts being Preparative to the National Assembly ; either as to the *Causes* that were first to be Tried there, and then fi-

\* Vide  
Spelm. in  
*Gemotum*.

† According to that Law of Canutus ( Part 2. §. 18. ) which allowed the Plaintiff an immediate Appeal to the King, if the Shire-Gemot delayed his Remedy above Four Court Days.

nally determined here † ; or ( if the Antiquaries would give me leave to say so ) for the Return of Members. However that may be, certain it is, that in after-times, the *Quindena Paschæ*, and *Quindena Michaëlis*, were Customary Periods of Assembling the Parliament ; and are so often mentioned as such by our Histories, as to give us good ground to believe, they might spring from the old *Saxon* Usage, as That did from Ecclesiastical Practice.

Thus our Church Then held her Synods concurrently with the Lay-Councils; not indeed according to the strict Letter of the Canons (for both Provinces Assembled together) but so however, as to satisfy the Intent of them, and to prevent other Synods, that were purely Provincial, from Assembling so often as they should, and would otherwise have done. And this therefore may be added to the Reasons that the most Learned *De Marca* has given \* for the Intermission of those Meetings here in the *West*; notwithstanding the frequent Decreases of the Church for their Continuance or Revival.

The *Norman* Revolution made no change in this respect; for though the Conqueror is known to have divided the Court of the *Bishop* and *Earl*, who before mix'd Jurisdictions; yet he continued still to Assemble the Clergy Nationally with the Laity, here as in *Normandy*†; and united them

more closely than before by his new Tenure of *Knight-Service*, which oblig'd all Persons that held of the Crown, whether Spiritual or

Temporal, equally to Attend his Great Councils. And to These therefore were Summoned, not the *Bishops*, and great *Abbots* alone, but many others also of the Lower, and even of the Undignified Clergy; who, as *Doomsday Book* shews, held Lands of the King in every *Shire*†; and to be sure therefore were present, together with the other Crown-Tenants, even in the Conqueror's *Curia*, held acourse at the Three great Festivals; and ap-

D 2

† Vide *Orderic. Vital. ad an. 1080. p. 552. ad an. 1095. p. 722. Where also it is said, Ab- bates totius Provincie cum Clero & parte Procerum affuerunt,*

† 4711. *Knight's Fees were Vested in Parochial Churches, says the Author of Eulogi- um.*



pear'd no doubt in greater Numbers, at his more full and general Assemblies of all the States of the Realm. At such only, Church-Affairs seem to have been Transacted; not at his Ordinary *Curia*, (though some of the Clergy of all Ranks might be present there :) unless when these *Curia*, and those great Councils were co-incident, and the latter Summoned to meet extraordinarily at the same time that the former met acourse. As the Case was in that mixt Convention at *Winchester*, where *Stigand* was Deprived; and in another at *Gloucester*, where several Bishops were made.

How long exactly the *Saxon* Manner of Mix'd Councils continued, is not easy to say. However that for several Reigns after the Conquest it obtained, is certain; and it is probable, that the Disuse of it might begin toward the middle of *H. II.* when the Clergy,

|| Post Turonense Concilium  
(which was in 1163. about the  
Time of the Council of Clarendon)  
cum Omnibus penè in Rebus  
Clerus se a Populo disjunxisset.  
*Antiqu. Britann. p. 131.*

we are told, *Disjoined* themselves from the Laity || in every respect, and set up to be Independent; being encouraged in this Attempt by the Pope (whose Power was then very great) and by the

Success which they had in their struggle with the Crown about the Affair of Archbishop *Becket*, and the Articles of *Clarendon*.

And this Division of the Spirituality from the Temporality, which began in *H. the II<sup>d</sup>s.* time, took Root under his Successors, and was settled more and more by the Absence of *Richard* the First in the *Holy Land*, by King *John's* weak, and *H. the III<sup>d</sup>s.* troubled Reign.

Now



Now therefore the Clergy seem to have de-  
clin'd Obedience to the Lay-Summons; ex-  
cept such of them only as were oblig'd to at-  
tend the Great Councils of the Realm by their  
Offices, or their Tenures; so that in the Sixth of  
King John, when the King had a mind to have  
all the Abbots and Priors present in Parlia-  
ment, he was forced to Cite them by the fe-  
veral Bishops of the Dioceses \*, and not by an  
immediate Summons. And in 49 H. 3. when  
every Abbot had his Distinct Writ, they are  
said to have been *Voluntariè summoniti* †, i. e.  
by their own Consent; not as of Right, or as  
owing the Crown any such Service.

To this Recess a way had been before open-  
ed by the Dispute between the Two Metropo-  
litans, Thurstan Archbishop of York, refusing that  
Subjection to the See of Canterbury, which had  
been paid to it by his Predecessors from Lan-  
frank's time; when in a great Council (held  
first at Winchester, and then at Windsor) it was  
solemnly determined, That the Archbishop of  
York, and his Clergy, should attend the Arch-  
bishop of Canterbury's Conciliary Meetings and  
Summons ‡. But this Rule was broke in upon  
in less than Fifty Years after it was settled;  
and the See of York, by the favour of the  
Pope made Independent. And now therefore,  
the Archbishop of Canterbury's Authority being  
confined to his own Province, and the Interest  
of the Crown in calling the Body of the  
Clergy together, afterwards lessening apace;  
the Affairs of the Church came at length to  
be transacted in Two separate Provincial Syn-  
ods, and the Clergy seldome to Assemble Na-  
tionally, but at the Command of a Legate; who

\* Cl. 6. Jo.  
M. 3. dors.  
† Pat. 26.  
E. 3. PS. 1.  
M. 22. in  
Pryn's  
Reg. of  
Par. Writ.  
Vol. 1.  
p. 142.

|| Diceto  
de Archi.  
Cant.  
p. 685.

often called them together in *H.* the III<sup>d</sup>'s Reign; and that (to bring the Observation nearer to my Subject) at the very time of Parliament: And sometimes I find, that both the Regal and Legantine Authority joined in Convening them.\*

\* Compare  
M. Par.  
p. 915.  
with the  
Ann. of  
Bart.  
p. 355.

† Constit.  
Provinc.  
p. 25.

But their ordinary way of attending the Parliament, was not in one National Council, but in two separate Assemblies of the Province, as is manifest from the Constitution of *Reading* formerly Cited; where Two Proctors are appointed to be sent from every Diocese, to appear in *proxima Congregatione nostrâ tempore Parliamenti proximi* †. Here we see the Provincial Synods of the Clergy (for the Council of *Reading* was such) are spoken of in the 7th Year of E. I. (when this Council was held) as Meeting acourse together with the Parliament. And we may be sure therefore, that the Custom was of Elder date; though when it arose cannot be precisely determined.

But this Wise and High-spirited Prince, finding the Clergy thus divided from the Laity, and from one another, hard to be dealt with, resolved to restore the old Practice, and to bring them Nationally to Parliament; which he did, by inserting into the Bishop's Writ that Clause which begins with the word *Premunientes*, and Summoning by the means of it, all the Secular Clergy under Bishops, either in Person, or by their Proxy's; as also those Religious, who were so far Secular as to be Chapters to the Bishops, and placed in the Heads of the several Dioceses; such as the Priors and Convents of *Canterbury, Winchester, Worcester*, &c. were. The *Mere Religious*, as professing

feeling to be out of the World, had the Privilege also of being left out of those Summons; the Crown contenting it self to direct particular Writs to all the great Abbots and Priors, whether holding by Barony or not; without commanding the Attendance of their Convents.

The Numbers of the Lower Clergy Cited by the Archbishop to his Parliamentary Convocations had born some proportion all along to those of the Lower Laity called at the same time to Parliaments\*; and the Premunitory Summons therefore, when first practised by this King, still carried on the Parallel. By it some were ordered to appear for the *Diocese* (the County Christian) and some for the Cathedral Clergy of those *Cities* that sent Members to Parliament. And as the *Welsh* Shires return'd but one Knight apiece†, so their several *Dioceses* were to appear by a single Proctor||. And beside all these, the *Archdeacons* (\*) and *Deans* (†) having been long before called to the Great Councils of the Realm, were not omitted now, but comprised in the same Writ of Summons.

\* For this Reason the Constitution of Reading appointed two Proctors for every Diocese. And a Mandate of Peckham in 1290. (See his Register) Cited out of every Diocese, Duos

vel tres Procuratores, when the Commons Writ of the same Year ran, Duos vel tres de discretioribus milibus. Brady Introd. p. 149.

† When this began I know not; for many Years after the Commons were Summoned as they are now, I find the Community of Wales appearing in Parliament, as those of Scotland sometimes did, by a certain Number return'd for the Whole.

|| So I gather from the Usage of those Assemblies which were purely Ecclesiastical. To one of which (An. 1302.) the English Clergy were Summoned by Two, and the Welsh by One Proctor apiece. Registr. Winchelsey. fol. 147.

(\*) M. Par. ad Ann. 1247. p. 719.

(†) Idem p. 240. ad 15. Joh.

Nor were their *Numbers* only in some measure proportionable, but the *Powers* also with which they came, Originally the very same; so that their first Writs of Summons ran equally,

\* 21. E. 1. in Registro Henr. Prioris.

23. E. 1. apud Dugd. Summon.

† Registr. Hen. Pr. Fol. 69.

Dugd. Summ. p. 13.

|| 17. E. 2. Dugd. p. 92. Pryn.

Reg. Parl. Wr. Vol. 2. p. 77.

§ E. 3. Dugd. p. 163. Pryn.

Ibid. p. 86, &c.

ly, *ad Tractandum, Ordinandum, & Faciendum*; and when the one Summoned *ad Ordinandum* only; or *ad Faciendum & Consentiendum* ||, so did the other: The Minute Alterations of these Forms taking place in both Writs at once, in various Instances; and the *Procuratoria*, which

were fram'd upon those Writs for the Lower Clergy, answering almost in Terms the *Returns* that were made for the *Lairy*. To omit other Correspondencies which might be observed, if these were not sufficient, to shew, That the Clergy brought to Parliament by the *Premunientes*, were to all intents and purposes, what they were long afterwards in the Rolls of Parliament called, The *Commons Spiritual* of the Realm.

This Clause, how much soever to the real Interest and Advantage of the Lower Clergy, was yet thought a Burthen by them, and an inroad upon their Priviledges; and they tried all ways therefore of withstanding or declining it; but in vain: for the Genius of that mighty Monarch, who was not us'd to be baffled in any Attempt, carried it against all their Opposition. And the Ground he had thus gained upon them, he kept throughout all his Reign; as appears by the Records of the last Parliament (but the First, whose Proxy Roll is

pre-

preserved) which Ryley has Printed at length in his *Placita Parliamentaria* \*. There the Proxy's are enter'd of every Bishop, Abbot, Prior, Dean, and Archdeacon, that did not personally appear in Parliament, as also of the Clergy of every Chapter and Diocese.

But a weak Prince, and a disorderly Government succeeding, they laid hold of that favourable Opportunity to resume their pretences to Exemption. The wise Maxim was now forgotten by which they governed themselves, and made their stand against the Pope in Henry the Third's Reign [*Regnum & Sacerdotium nullatenus sint divisa* †]: A Maxim, that never hurt the Clergy when they stuck to it, as it has never prosper'd with them when they departed from it; nor, I believe, ever will. They liked not the *Premunientes* at first, and the severe Taxes they had finar'd under ever since it went out, made them like it still worse; and had quite alter'd their Mind and their Measures: So that now they thought, their Interest and Safety lay in Uniting as closely with the Pope, and Dividing as far as they could from the Laity. The Archbishop, no doubt, favouring this Opinion, with a prospect of sharing the Pope's Power over them; and under the Pretence that it would be more for the Honour of him and his Clergy to be still by themselves in Two Assemblies of Convocation, answerable in some proportion to the Two Houses of Parliament; according to Bishop Ravis's just and impartial

|| Observation. The Separation therefore was resolv'd on; attempted in Edward the First's, advanc'd very far in Edward the Second's, and fully settled in Edward the Third's Reign.

Even

† An. Burt.  
P. 307.

|| In his  
Reasons for  
a Reunion  
presented to  
Q. Eliz.  
Hist. Ref.  
Part 2.  
Coll. of  
Records,  
n. 18.

Even under the former of these Princes, though the Clergy obeyed the Parliamentary Summons duly, yet were they backward to answer the Ends of it, unless they might do it in their own Manner; and therefore referred themselves more than once to a Fuller Assembly of the Province, to be gathered by the Archbishop; where they knew they should be join'd by All the Religious, and by Their help be enabled either better to put off the Burthen that might be laid upon them, or better to bear it.

His easy Successor was prevailed with yet further, to mix Authorities, and to take the Archbishop's Power along with him in Convening them; so that under him the way was often, when the Bishop's Writ with the Clause *Premunientes* went out, to send Two other Writs to the Two Metropolitans, directing them to cite Those [ and Those Only ] of their Province by a general Mandate, which were Summon'd severally by the Bishops Writs. But because this, though a great Condescension of the Crown, was still an Hardship upon the Archbishop, out of whose Province the Parliament was held, who could not regularly bring his Subjects to any place not within his Jurisdiction; and because it was known to be more agreeable to the Rules of the Church, and found to be more conducive to the Peace of the State \*, that the Clergy of each Province should Assemble apart; there-

\* In respect to the Controversy about the Supreme Bearing of the Archiepiscopal Crosses; which never rag'd so high, as when the Archbishops met one another at the Head of the Clergy of their Provinces.



fore this Accommodation afterwards took place; That the *Premunientes* should still Summon them from the King to meet *Parliamentarily*, but that sufficient Obedience should be understood to be paid to it, if the Clergy met *Provincially*, though not at the same Place, yet about the same Time, and to the same Purpose, to be ready to hear what should be Proposed from the King; to give their Advice when ask'd, and their Consent when requisite; to offer their Aids, and their Petitions; and, in short, to answer the necessary Affairs of the King and Kingdom.

Not that the Clause *Premunientes* now grew useless and insignificant: for still the Bishop (who executed the Royal Writs upon the Clergy of the Diocese, as the Sheriff did upon the Laity of the County) when he received his Summons to Parliament, transmitted it to those of the Lower Clergy concern'd; and they still made their returns to it: Such of them as were not to Attend in Person, formally Impowering their Proctors to Appear and Consent for them in *Parliament*, according to the Tenor of the Bishops Writ; though those Proctors sat afterwards and acted in *Convocation*. An instance of such a *Procuratorium* for the *Parliament*, I have seen as low as 1507. and another of an execution of the *Premunientes* by the Bishop; yet lower in the Reign of Edward the Sixth; though Returns had then Ceas'd, or at least were not Enter'd. Thus the Forms were kept up, and by that means the King's Right of Summoning the Clergy asserted and owned: And, so the State-ends of Summoning them were also answered, they were



were left to do it in an Ecclesiastical way; and to attend the Parliament and the Business of it, not in One Body, as they were called, but in Two Provincial Assemblies. This they did at first by the *Comivance* of the Crown, rather than any express *Allowance*; the Archbishop of his own accord sending out a Provincial Citation concurrently with the Bishops Writs of Summons; which Method obtaining, and these Meetings of the Province being tacitly accepted in lieu of the Clergy's resort to Parliament; it grew necessary for the King to employ his Authority also in Convening them; for otherwise it had been at the Archbishop's Discretion, whether he would have any such Meetings or not; and so the Crown might have lost the Clergy's Assistance in Parliament. This gave birth to the custom of issuing out Two Convocation-Writs, when a New Parliament was to be Chosen; which though set on foot before, yet settled not into a Rule till some Years after *Edward* the Third was in the Throne; and then it was practised as duly and regularly, and in much the same manner as it is at this day: Take one Instance (and that not the Earliest which might be given) instead of many.

In the Parliament Roll of his Eighteenth Year we read, That "it had been agreed for the urgent Affairs of the Kingdom, to hold a Parliament at *Westminster* [on the Monday after the *Ostaves* of Trinity] and that the Archbishop should call a Convocation of the Prelates and others of the Clergy of his Province, to the Church of *St. Paul's*, London, on the *Morrow* of Trinity, for the Dispatch

" Dispatch of the said Affairs. To which  
 " Convocation none of the greater Prelates  
 " came on the said *Morrow of Trinity*, or in  
 " the Eight days ensuing, except the Arch-  
 " bishop, [ or Two or Three other Bishops  
 " there named ] as the King was given to un-  
 " derstand ; at which he much marvelled : As  
 " also that the Great Men were not come to  
 " the Parliament upon the Day to which they  
 " were Summoned : — And he charged  
 " the Archbishop therefore to do what be-  
 " longed to him, in relation to those of the  
 " Clergy of his Province, who came not to  
 " the said Convocation, nor Obeyed his  
 " Mandate : And the King would do what  
 " belonged to himself, in relation to such as  
 " came not to Parliament, nor Obeyed his  
 " Commands. \*

\*Rot. Par.  
 18. E. 3.  
 n. 1.

If we supply this Record with the Writs  
 extant on the Back of the Roll, it will appear  
 that the Clergy were Summoned here just as  
 they are now, by the Archbishop, at the  
 King's Order, or *Letter of Request*, as it was  
 then deemed and † stiled ;

though it ran, as now, *Ro-  
 gando Mandamus*, and though  
 the peremptory Time and  
 Place of the Clergy's Assem-  
 bling were prefixed by it :  
 and we see therefore that Pu-  
 nishment is Ordered in the

† Even by the Crown it self ;  
 for in the 25 E. 3. a Writ to the  
 Archbishop of York, in the Close  
 Roll of that Year recites, that the  
 Archbishop of Canterbury had  
 called his Clergy in Quindenâ  
 Pasche, ad Rogatum Nostrium.

Roll for their disobeying the Archbishop's  
*Mandate* ; but not a word of their not comply-  
 ing with the King's Summons. But this was  
 only the Language of Popery, by which they  
 kept up their pretences to Exemption ; and  
 the

the Clergy were indulged in the *Form*, so the *Thing* were but effectually done; which was, to have them Meet together with the Parliament, and for the *Dispatch of the same urgent Affairs of the Kingdom* \*; for which the

\* *Pur treter, Parler, & ordonner ce que soit miet, affaire pur l'exploit des dit buisoignes — Are the Words of the Roll; and one of these words is that from whence the Name of Parliament is derived.*

Parliament Met. And this was no new Practice, but a Method now Settled and Customary; of which, various Precedent Instances might, if they were needful, be given; but it is a short

and sufficient Proof of it, that the Words of the the King's Writ to the Archbishop run, *More solito convocari faciat.*

We shall find also, that the Archbishop of York had a Writ for That Province, as the Archbishop of Canterbury had for This; only he was to Convene his Clergy about a Fortnight Later, than the other Province

met †. And in this the way then taken varied a little from Modern Practice, which has made those Two Meetings perfectly Coincident. But the ancient Usage was, for the Clergy of Canterbury to As-

† *Province of Canterbury met on the Morrow of Trinity, i. e. May 31. Easter falling that Year on April 4. That of York the Wednesday after St. Barnabas, i. e. June 16.*

semble first, in order to let the President, which it was expected that the other Province should almost implicitly follow: and with reason; since, if the Two Provinces had continued to attend the Parliament in One Body, as they did of Old, the York Clergy would have had no Negative upon the Parliamentary Grants of the Clergy; being a very unproportioned part of the Assembly. When therefore they desired

fired to Meet and grant Separately, the Crown had reason to expect, that what the greater Province did, should be a Rule to the less, or otherwise not to have consented to their Separation. Very early in the Rolls therefore this Passage occurs, "That the Archbishop of *Canterbury*, and other Nobles [the King's Commissioners in his absence] should require the Archbishop of *York* to contribute for the Defence of the North, as They [i.e. I suppose, as the Archbishop of *Canterbury* and his Clergy] had done \*." And even in *Church Acts*, as well as *State Aids*, what had passed the one, was held to be a kind of Law to the other; so that in 1463 we find the Convocation of *York* adopting at once all the Constitutions made by that of *Canterbury*, and as yet not receiv'd †; a Practice that I doubt not was often in elder times repeated, and we know is still continu'd.

13 E. 3.  
n. 18.

† Memo-  
rand.  
quod Præ-  
lati &

Clerus in Convocatione 1463. Concedunt Unanimiter, quod Effectus Constitutionum Provincialium Cantuar. Prov. ante hæc tempora tent. & habit. Constitutionibus Prov. Ebor. nullo modo repugnant, seu prejudicial & non aliter nec alio modo admittantur. Et quod hujusmodi Constitutiones Prov. Cant. & Effectus earundem, ut præferatur, inter Constitutiones Provinciarum Ebor. prout indiget, & decet inserantur, & cum eisdem de cætero servandæ incorporentur, & pro Jure observentur. Registrum *Boshe*. Arch. Ebor. f. 143.

And as the time of the Convocation of *Canterbury*'s assembling was, in this and in most other Ancient Instances different from that of her Sister Province; so was it, we see, different also from that of Parliament. Here it preceded, || but generally it followed the Parliament a Week or two; on purpose, as I apprehend, that the Bishops and Parliamentary Abbots

|| Seven  
Days.

Abbots might be at leisure to attend both those Meetings. And this was the usual Distance throughout *Edward* the Third, and *Richard* the Second's Reigns, till *Henry* the Fourth began to enlarge it; in and after whose time the Clergy held their Assemblies during, and near the Sessions of Parliament, but not thoroughly concurrent with them; the Archbishop it seems, affecting Independency, and the King, who above all things desir'd to stand well with the Clergy, favouring him and them in that respect; and giving way to their being call'd later, or dismiss'd sooner than the Laity, as having been already answer'd in his Demands, at that, or some other Synod of the Province, call'd out of Parliament-time: Such Assemblies being frequent in those days, and transacting all Affairs that belong'd even to Parliamentary Convocations.

But this was only an Interruption of the Old Practice for a time, not a through alteration of it: for about the Entrance of the last Age, when the Prerogative began to recover the Ground it had lost to the Church, we find these Meetings of the Clergy and Laity more closely united; the Dates of *Henry* the Eighth's Convocation being all one, or a few days before, or after, (if not altogether the same with) those of his Parliaments: And from *1 Edw. 6.* to this Reign the Clergy have, I think, met always and parted within a day of the Parliament; the day it self on which the Parliament sat and rose, being not judg'd so proper for this purpose, because the Bishops were then to attend the House of Lords. But since the late Revolution, the Business of these Two

Meet-

Meetings not interfering, the same day has serv'd to open both of 'em ; or rather to open the one, and shut up the other. There have been no Deviations from this Rule that I know of, except in a Legatin Synod or two ; (which are no Presidents) and once in the *Convocation* of 1640 : but that Experiment succeeded too ill to be ever try'd a Second Time.

The Clergy therefore, tho' by a Mistake in their Politicks separated from the Parliament, yet continu'd still to attend it, in Two Provincial *Assemblies*, or *Convocations* : which, as they met for the same Purpose, and had the same *Reasons of State* inserted into their Writs of Summons, as the Parliament had ; so did they (to manifest yet more their Origin and Alliance) keep closely up to the Forms, and Rules, and Manner of Sitting, and Acting, practis'd in Parliament. I cannot do right to my Subject, without pointing out several Particulars, where-in this Conformity was preserv'd ; and I shall not therefore, I hope, be misinterpreted in doing it.

The Two Houses of Parliament sat together Originally ; and so therefore did the Two Houses of *Convocation* : of which, to omit other Proofs, I shall mention that only which may be drawn from the Inferior Clergy's being sent as Delegates from the Bishops to represent, and act for 'em in *Convocation* : an Usage, which tho' practis'd long after the Greater Prelates divided from the Less, yet must, in all Probability, have had its Rise, when they were together ; as the like Custom also in Parliament had : whither the Lords Spiritual and Temporal being us'd to send

Commoners to Vote for them, while the States were together, continu'd the Practice also, long after they were asunder; as appears, on the Spiritual Side, by Numerous Instruments of Proxy, yet remaining in the Bishops Registers; and, on the Temporal, by some Probable Inferences of Mr. *Elfving* \*; tho' Direct Proofs of it are, together with the Proxy Rolls, lost †.

\* Cap. 5.

p. 126.

† One I

find, in the

5 H. 5.

where Th.

de la Warre, a Baron gives Letters of Proxy to two Commoners; and those (which is very particular) of the Clergy: but his case was particular for his Baronry descended to him after he was in Orders; and he is styl'd therefore constantly Magister, and not Dom. de la Warre in his Summons to Parliament.

As the Commons in Process of Time withdrew from the Peers, so did the Inferior Clergy from the Bishops and Abbats: Each having their *Prolocutor* in ordinary (the very Word, that is us'd every where in the *Latin* Rolls \* for the *Speaker*) and not withdrawing only from the Great Lords upon occasion, for Liberty of Debate, and in order the better to agree, upon their Petitions, and Opinions, as I presume they always did even in the Old mixt Assemblies; but meeting together, at the very first in a Distinct Body, and joyning with the Upper House only on Great Occasions.

\* And  
sometimes  
in the En-  
glish Jour-  
nals. See  
Sir Symonds  
d'Ewes,  
p. 15. & p.  
328, &c.

The *Prolocutor* was so chosen, as the *Speaker*, by the Body, whose Mouth he was; so presented to the Archbishop, and confirm'd by him, as the other was by the King. His Office was much the same on either side; He moderated their Debates, kept them to Order, and attended the Lords sometimes with the sense of the House; and at the Entrance of his Office, disabled himself in form; several Instances



Instances of which occur in the latter Acts of \* *At. MS.*  
*Convocation* \*.

Bills of Money, and Grievances, (but especially the latter) began usually in the Lower House, here, as well as there; had alike several Readings; and were Enacted at the *Petition* of that House, as Statutes antiently were: and the Successive Variations in the Enacting Forms of our Statutes were observ'd and transcrib'd generally into the Clergy's Constitutions.

Their Subsidies were often given Conditionally, and with Appropriating Clauses; and *Indentures* drawn upon those Conditions, between the Archbishop and the King, if the Grant was to the Crown; or between the Archbishop and the Prolocutor of the Lower House †, if to the Archbishop; just as the Way was in the Grants of the Commons.

*Conv. 1541*  
*Sess. 2. &*  
*1554. Sess.*  
*3. & 1562.*  
*ad Jan. 16.*

† Scriptura Indentata—inter Reverendissimum

*Tho—ex una parte, & Mag. Doget Prolocutorem Cleri—& eundem Clerum ex altera testatur quod dictus Clerus—concessit dicto Reverendissimo Patri Caritativum Subsidium—Registrum Wottonian. ad fin.*

*And so the Commons granted, per quamdam Indenturam Sigillo Prolocutoris Sigillatam.*

In Matters of Jurisdiction the Upper House gave Sentence, the Lower House prosecuted, as was usual in Parliament: for which reason the Act of *H. 8.* \* which in all Causes relating to the King or his Successors, allow'd an Appeal to *Convocation*, mention'd the Bishops, Abbats and Priors of the Upper House only, because They only were Judges.

\* *24 H. 8.*  
*c. 13.*

But over their Own Members both Houses of *Convocation* had Power, in like manner as those of Parliament; which they exercis'd, ei-

E 2

ther

(a) See an Instance ther jointly, or apart; by Mulcts (a), and An 1462. Confinements (b) sometimes: but chiefly, by in Anth. inflicting Ecclesiastical Censures; by Excommunicating (c), Suspending (d), Depriving (e). Harmar. p. 32.

(b) If you will not give place (*quoth the Prolocutor to Archdeacon Philpot; being Commission'd, I suppose, so to speak, by the House*) I will send you to Prison. This is not, *quoth Philpot, according to your Promise &c. not denying the House's Power, but the Justice only of exerting it in his Case.* Fox.

(c) See Instance of Bishop Cheyney, Excommunicated for departing the Convocation without Leave. *Hist. of the Troubl. and Try. of Laud.* p. 81.

(d) See Bancroft's Register, fol. 138, 139. for an Instance of a Dean, an Archdeacon, and a Proctor suspended, for deserting the Synod—*Mandatis nostris licitis vel Prolocutoris dictæ Convocationis minime obtemperantes,—As the Archbishop's Sentence of Suspension runs.*

(e) See an Instance of Bishop Goodman, Sentenc'd to be depriv'd by the Convoc. of 1640. for refusing to subscribe the Canons. *Heyl. Life of Laud.* Pag. 446.

\* Hist.  
Ref. Vol.  
1. p. 130.

My Lord of Sarum has suggested \* another Branch of this Parallel; that as none were of the Lower House of Parliament, but such as came thither by Election, and all that had Personal Summons, sat Above; so the Lower House of Convocation was compos'd of those who were deputed thither from others, and the Upper of such as sat in their own Right. But this Conjecture contradicting not only the Records of the Convocations in Henry the Eighth's Reign (to which my Lord applies it) but all the Elder Accounts of our Synods in the Archbishop's Registers; where the Deans, and Archdeacons are said always, as now, to sit together with the Proctors of the Clergy; I am sorry, that I cannot fall in with it: the rather, because it would give me an opportunity of adorning these Rude Collections with something drawn from his Lordship's Exacter Works,

Works, and of making him my Publick Acknowledgments for it.

His Lordship would perhaps have omitted this Guess, had he consider'd, that the Provincial Assemblies of the Clergy were (as I have shewn) in lieu of that Parliamentary Attendance which the Crown challeng'd by the *Premunientes*; and their Session therefore in Two Houses was adapted to the Parliamentary Summons: so that between Them and the Laity the Parallel in this respect ran, that, as all of the Laity who were Summon'd *singly* \* by the King, sat in Parliament as Peers, and all who were Summon'd *generally* by the Sheriff, as Commoners; so in the Convocation, all of the Clergy, who had been call'd immediately, and by Name to Parliament, belong'd to the Bishop's house; but such as were us'd to be cited at second Hand only, and *Mediante Episcopo* (as Deans, Cathedral-Priors †, Archdeacons, and the Proctors of the Clergy) sat apart by themselves.

\* Singillatim and in Generali, are the words of Art us'd to distinguish these Two sorts of Summons in K. John's Charter.

† These for a long time

after the Distinction of the two Houses of Convocation, sat in the Lower House; but afterwards with the other Priors and Abbats in the Upper.

That which led his Lordship into this Opinion was it seems a Passage in *Jescelin* \*, where a Question † is said to have been carried for the Crown by 216 in the Upper House; (i. e. by the whole Upper House, for there were none against it) whereas in the Lower, 23. only were present, and but 14. of those for it. Which Disparity of Numbers his Lordship is at a loss how to account for otherwise than by the Supposition laid down. But

\* Ad Ann. 1532.

† About the Unlawfulness of the King's first Marriage.

since that is plainly Erroneous, I may, I hope, without Presumption, endeavour to solve the Difficulty another way. His Lordship knows very well, that the Bishops with those Abbats and Priors, who were of some consideration, amounted to several Hundreds in Number; out of which there is no doubt but 216 might be got to do the King's Business; especially at that Critical Juncture, when the General Dissolution of Monasteries was threat-

\* For in June before this Convocation sat, the King procur'd a Bull from the Pope to suppress several. Hist. Ref. 1. Vol. p. 121.

ned, and already in part begun\*; and the Regulars had no way to escape the Storm which they saw gathering, but by complying with the King's Demands, tho' never

so unreasonable: Whereas the Inferior Seculars having no such Fears, and lying generally out of the Reach either of the Awe or Bribes of a Court, were as backward to give their helping hand in this case as the Religious were forward; and but 14. therefore of the Lower House could be prevail'd with to lend the King a Vote. This perhaps may be no improbable Solution of the Difficulty, if after all it be not a Numeral Mistake of the Transcriber, or Printer; such as I find sometimes in that Work (I mean in the *Hanover* Edition of it, which alone I have): for instance, the Convocation in 1536, is said to meet *Nonis Julii*, instead of *Nono [die] Julii*: for it met not on the 5th. but the 5th. of *July*, as the Writ still extant shews.

But enough of this:---I return to those Marks of Resemblance which were between the Parliament and Convocation long after they separated; and by which, as by some common

common Ensigns of Honour, the One of these may be plainly discern'd to be of the same Family and Descent, as it were, with the Other.

The Instruments impowering the Proctors of the Clergy to act for the several Dioceses were drawn up, I have said, in the same Form almost with those for the Knights of Shires. I add, that they had equally *Wages* from those they represented: and those Wages were laid on the Diocese with the same Distinction that the Others were on the County; all such as came Personally to Parliament, either as Counsellors, or Assistants, being excus'd from contributing to em: not to descend to yet minister Differences, which were still on both sides alike observed

And which is very Material, the Proctors enjoying these Expences, are in the Writs and Records of that time expressly said to be entitled to 'em, on the account of their Service in Parliament: tho', strictly speaking, they sat not in Parliament; but only, as they do now; in a Convocation held concurrently with it. Of which I will stop to give the Reader here two very significant Instances: the One is, of a Discharge which the Abbat of Leicester obtain'd from Personal Attendance on the Parliament, on condition, as the Patent speaks, *Quod dictus Abbas & successores sui in Procuratores ad hujusmodi Parliamentum & Concilia per Clerum mittendos consentiant, & ut moris est, expensis contribuant eorundem* †. The other is, of a Writ in Fitz-herbert \*, forbidding the Archdeacon to compell the King's Clerks in Chancery attending his Parliaments, tho' Benefic'd

† Pat. 26.  
E. 3. par. 1.  
M. 22.  
See it in  
Selden's  
Tit. of  
Hon. par.  
2. c. 5.  
p. 607.  
\* Nat.  
Prev.  
§. 141.

in the Dioceſe, *ad contribuendum ratione benefici-  
orum ſuorum Expensis Procuratorum qui ad dictum  
Parliamentum pro Clero dictæ Diaceſ. venerunt, ſeu  
aliorum Procuratorum, quos ad alia Parliamenta, &c.  
per nos nunc tenenda venire continget.* This Writ  
iſſu'd by Authority of Parliament; for it re-  
cites an Ordinance, made to this purpoſe in a  
Parliament held 4 R. 2. \* and is founded upon

\* Not 4 E.  
3. as the  
Printed

Writ in Fitzh. implies; for no Parliament met at Northampton in the 4th  
Year of his Reign.

† Anno  
1543.

And that the Levy of theſe Expences conti-  
nu'd throughout the ſucceeding Reigns, to the  
very time of the Reformation, I have ſeen a  
good Proof, in a certain Biſhop's Mandate †,  
for collecting a Penny in the Pound to this pur-  
poſe: which, it ſays, *De laudabili legitimeque  
præſcriptâ Conſuetudine—in qualibet Convocatione  
huiusmodi contribui ſolebat, & ſolet, & ex æquitate,  
conſideratis præmiſſis, debet.* How long after-  
wards they were paid, or when firſt diſconti-  
nu'd, I know not; but ſuppoſe, that the Diſ-  
uſe of them, as to the Deputed Clergy, might  
come on by much the ſame ſteps, and about  
the ſame time that it did in the Houſe of Com-  
mons.

\* And ſome-  
times of  
late: for  
1 E. 6. One  
of the Pro-

ſtors for the Clergy of Hereford appointed Two others in his room. [See Sy-  
nodalia.] And in his laſt Year the Procuratorium for the Dean and Chap-  
ter of Paul's had that Clause in it: for ſo it ſtands enter'd in Biſhop Ridley's  
Register. Fol. 294.

Where-

Whereas I find no Instance, that this was ever practis'd among the Commons: The reason of which I conceive to be, that the Clergy were to attend the Call, not only of the King in his Parliaments, but of the Pope, and the Archbishop also in their several Synods; and having therefore a Greater Burthen in this respect than the Laity, were indulged also a Greater Liberty.

Further, the Members of Convocation had not only Parliamentary Wages, but Parliamentary Priviledges too; and those, I question not, from their first Separation: tho' we find, that they were solemnly settled upon them, long afterward, in the 8 H. 6. But that Act might be made, as well to affirm the Old Priviledges, which, after the Clergy had been dismembred so long, might begin to be disputed; as to add the New, which had accru'd, since the Separation: and withal to confer them both, not only on Parliamentary Convocations, but on Convocations in general, whenever meeting at the King's Summons.

Nor was the Separation so compleat, but that the Inferior Clergy joyn'd Occasionally with the Laity, and attended the King together with the States of Parliament; either at the first Opening, or Dissolution of it, or at other solemn times, when the King came to the House of Lords, and something was to be done *en plein Parlement*, i. e. in a Full Assembly of the Clergy and Laity, as that Expression sometimes in the Elder Rolls seems to imply\*. That

*fore in the same Number, — Les Prelats, Countes, Barons, & touz les autres Somons a mesme le Parlement: which includes the Inferior Clergy, for They were Summon'd this time by the Premunientes. See Dugd p. 167.*

they

\*6 E. 3. m. 9.  
Something  
is said to  
be agreed,  
per touz  
en plein  
Parle-  
ment; and  
those are  
thus reck-  
oned up be-



they appear'd antiently in Parliament, the first day of its Session, the Roll of the first Parliament held 6 E. 3. is a clear Proof: where, after Sir Jeffery le Scoop, had in the King's Presence; declar'd the Causes of calling it, it is said, that

\* Si alerent mesmes les Prelatz & les Procurators de la Clergie per eux mesmes, a conseiller de choses iusdites.—

*the Bishops, and Proctors of the Clergy, went apart to \* consult by themselves.* That they came thither also on other Solemn Occasions, during the Session, the following Passage implies;

where, upon the King's declaring the Bishop of Norwich's Pardon from the Throne, it is said, that "the Archbishop, with his Brethren, the Abbats, and Priors, and the Clergy, there assembled †, most humbly kneeling, thank'd his Majesty for his Royal Grace and Goodness. Which I mention the rather, because the *Abridgement of the Rolls* ∴ takes no notice of any but *Bishops*, on this occasion.

† Et la Clergie il-loneques esteantz— (Rot. Parl. 2 H. 4. n. 14.) By

*which, whether the Convocation-Clergy be meant, cannot, I think, well bear a Doubt; it being very improbable, that those few Inferior Clerks, who were of the King's Counsel, or otherwise call'd up to the House of Lords, should be only intended.* ∴ P. 405.

But these are rare Instances: we have oftner Accounts of the Lower House of Convocation joyning with that of Parliament, (not indeed in one Assembly, but however) in the same *Parliamentary Requests*; and there are many Instances, by which it appears, that they were in such Requests, and on other Occasions, still reputed, and call'd a part of the *Community* of the Realm. Witness that Petition in Parliament to Hen. the 4th. which begins, *The Commons of your Realm, as well Spiritual as Temporal* \*

poral \* most humbly pray. And here agen the Abridgment is remarkably silent. And this Style I can trace as low\* as the 35 H. 8. a Proclamation of

\* Supplient humblement les Communes de vostre Roialme, si bien Espirituelz come Temporelz. Rot. Parl. 7, & 8. Hen. 4. n. 128.

which year recites, that, "The Nobles and Com-  
mons bothe Sperrytuall and Temporall assembled in  
our Court of Parliamente have upon Goode Law-  
full and Vertuous Groundes, and for the Publique  
Weale of this our Realme, by oone hole Assente  
graunted, and annexed, knytte and unyed to the  
Crowne Imperyall of the same the Tytle, Dignitye,  
and Style of Supreme Heede in Erthe ymmediate-  
lye under Godd of the Churchke of England.

The Proclamation is in *Bonner's Register* †, which tho' my Lord of *Sarum* perused, yet, it seems, he overlock'd this Paper, and the Passage I have mention'd from it: I must believe so, because it is upon so Material a Point, and exprets'd in so Extraordinary a Manner, that, had his Lordship observ'd it, he would, methinks, have given his Readers notice of it. †Fol. 42.

Many years therefore after the Clergy had submitted, they are, by their *Supreme Head* himself own'd, to be the *Commons Spiritual* of Parliament. And when therefore in the Old Rolls we find 'em not expresly mention'd as such, we must believe, that they lay hid often under the General Denomination of *Commons*; as the Case plainly was in the *Petition* just now produc'd, which is enter'd in the Rolls among the *Petitions of the Commons*, tho' the Clergy joynd in it; and as it probably was in that mention'd by Mr. *Elfyng* (pag. 275. but with false Numbers) where the Archbishops, Bishops, Earls, Barons, Et autres Gens de la Cominaltie d'En-

*d'Angleterre*, pray that they may let out to Farm the Wafts of Mannors held of the King *in capite*, without his License,—which being the Case of many Inferior Clergy-men, who held such Mannors of the Crown, it is to be suppos'd that they also joyn'd in the Petition, and are under the [*Autres Gens de la Cominaltie*] included. But more exprefs to this purpose is the Statute of the Clergy, 18 E. 3. which recites \*, That the Prelates, Great Men, and Commons, had advis'd and aided the King——and afterwards——the Great Men *aforesaid* grant so and so——and the said Prelates and Procurators of the Clergy grant so and so : whereas there is no Previous Mention of the Procurators of the Clergy, but under the Title of Commons.

\* I take the words of it from Rastal, with the more assurance, because Pryn says he has compar'd the Print with the Record, and that they agree. Abridg. of Rec. p. 44.

To these many other Records might be added, which mention the Convocation-Clergy as of the Parliament, and in it : But, that I may not load the Reader, a few of these taken from the Beginning, the Middle, and the End of that Period, we are considering, shall suffice. The rest will find as proper a place in another part of these Collections : and thither therefore I shall refer the Reader for an account of them.

In the 10 E. 3. a Writ issu'd to the Archbishop of York, reciting, that the Clergy of *Canterbury*-Province had given the King a Tenth in *Parlamento nostro Westminster*, and exciting Him and his Clergy to follow their Example †.

The like Recitals are to be met with often in latter Writs, as particularly in 43 E. 3. Cl. m. 6.

Dors.

† Cl. 10 E.  
3. m. 36.  
Dors.

*Dors.* which begins, *Rex Archo. Cant. salutem. Qualiter negotia nostra tam Nos & Statum Regni nostri quam necessariam defensionem ejusdem concernentia ac onera nobis per hoc incumbencia Vobis & Aliis in ultimo Parlamento nostro existentibus plenius exposuimus vos non latet. Ad quorum onerum supportationem absque adjutorio fidelium nostrorum non sufficimus, sicut scitis; propter quod aliquod subsidium congruum in supportationem tantorum onerum à Vobis & Aliis de Clero Diœceseos & Provinciæ vestrarum in dicto Parlamento tunc existentibus nobis concedi petivimus, &c.* And the same Passage in Terms recurs in another Letter of the same kind to the Archbishop two years afterwards, *Cl. 45 E.3. m.35. Dors.*

The Great Deed of Entail in the 8 *Hen.4.* by which the Crown was settled on his Heirs male, and which was witness'd by the Great Men, and by Sir *J. Typtot* the Speaker, in behalf of the whole Body of the Commons, recites, *Quod in Parlamento nostro apud Westminster, 70. Die Julii Anno Regni nostri 70. per nos de consensu & assensamento omnium Prælatorum Magnatum & Procerum ac Cleri & Communitatis regni nostri Angliæ fuerit Statutum & Ordinatum.*—And proceeds to make void what had been so ordain'd in these Memorable words, *Nos igitur—ad instantem Petitionem eorundem Prælatorum Magnatum Procerum, Cleri & Communitatis supradictæ, & de eorum omnium & singulorum Voluntate & Assensu expressis, nec non nostrâ & præsentis Parliamenti nostri auctoritate Statutum & Ordinationem prædictam cassamus & adnullamus—Nec non ad eorundem Prælatorum Magnatum, Procerum, Cleri, & Communitatis prædictæ Petitionem & Rogatum,*

*ac*

ac de Eorum Consensu concordi & auctoritate, &c.  
 \* See Abr. And this too Pryn has abridg'd \* in his way,  
 of Records, without taking notice of these Passages, which  
 p. 454. are so Material and Instructive. The Original  
 Record with all its appendant Seals intire, (tho'  
 the Deed it self be cancel'd) is preserv'd still  
 in the Cottonian Library †; and affords a ma-  
 nifest Proof of the Interest which the Con-  
 vocation Clergy at that time had in Parliament:  
 for it would be ridiculous to imagin that by  
 Clergy in this Instrument, thus plac'd between  
 the Lords and Lay-Commons, any other than  
 the Convocation-Clergy are intended.

† Inter  
 Chartas in  
 Pyxide  
 Galba.

For near 140 years afterwards, the Lan-  
 guage I find continu'd the same in the Bishops  
 Mandates to their Archdeacons for the Collec-  
 tion of Subsidies: for thus speaks one of Bon-  
 ner's .i., *Cum Prælati & Clerus Prov. Cant. in*  
*Parlamento hujus regni Angliæ nuperimè apud*  
*Westminster tento, & celebrato quoddam Subsidium*  
*sub certis modo & formâ tunc expressis Illustrissimo,*  
*&c. Ex nonnullis rationabilibus causis dederint*  
*& concesserint, &c. Oct. 10. 1543.*

.i. In Re-  
 gistro.

And if I should beyond all this affirm, that  
 the Convocation attended the Parliament, as  
 One of the Three States of the Realm, I should say  
 no more than the Rolls have in expres Terms  
 said before me; where the King is mention'd  
 as calling *Tres Status Regni ad Palatium suum*  
*Westm. viz. Prælatos & Clerum, Nobiles, & Mag-*  
*nates, nec non Communitates dicti regni* \*.  
 And when more than Three States are menti-  
 on'd (as in the Antient Piece of the *Manner of*  
*Hokling Parliaments*) the Inferior Clergy is still  
 reckon'd as one of them. Judge Thirning there-  
 fore thus addresses himself to Richard the II<sup>d</sup>,  
 at his Deposition †. SIRE,

\* Rot Parl.  
 9H.5.m.15.

† See the  
 Roll of  
 Parliam.  
 Printed at  
 the End of  
 X. Script.  
 p. 2760.

**SIRE** It is wele knowe to zowe that there was a Parlement Somond of all the States of the Reaume for to be at Westmynstre, &c. bycause of the whiche Sommons all the States of this Lond were there gadyr'd, the whiche States hole made thes same persones that ben comen here to zowe nowe her Procuratours and gafen him full auctorite and Power and charged him for to say the wordes that we shall say to zowe in her name, and on thair behalve; that is to wyttten the Bysshop of Seint Asa for Ersbischoppes and Bischoppes; the Abbot of Glassebury for Abbots and Priours, and all other Men of Holy Chirche, Seculers, and Rewelers, the Erle of Gloucestre for Dukes and Erles, the Lord of Berkeley for Barones and Bannerettes, Sir Thomas Jernyngham Chamberleyn for all the Bachilers and Commons of this Lond be south, Sire Thomas Grey for all the Bachilers and Commons by North, and my Felawe John Markham and Me to come with him for All this States; and so Sire these wordes and the doying that we fall say to zowe is not onlych our wordes bot the wordes and doyings of all the States of this Lond, &c.

I desire not to be misunderstood in the Recital of these Testimonies: I have no other Aim in 'em than barely to shew, that the Inferior

ferior Clergy, tho' meeting and consulting apart from the Parliament, yet were still reckon'd to belong to it, and to be (in some sense, and to some Purposes) a Member of it; and together with the Prelates of the Upper House to compose (not indeed one of the Three Estates of Parliament, but however) an *Estate of the Realm*, assembling joyntly with the Parliament, and oblig'd by the Rules of our Constitution to attend always upon it. If my Proofs may be allow'd to reach thus far, (and I have no manner of Mistrust but that they will) I give up willingly whatever beyond this they may seem to imply; which neither my Argument, nor my Inclination any ways leads me to maintain. It is so far from being in my Intention, that it is not in my Wishes, to set up a Plea for any of those Old Priviledges and Preheminences of the Clergy, which are long since Dead, and Buried; and which, I think, ought never to be reviv'd, even for the sake of the Clergy themselves, who have thriven best always under a Competency of Power, and Moderate Pretences. The Present Rights they stand plainly possess'd of by Law, are sufficient to render them useful Members of the Commonwealth, within their Proper Spheres, and that these Rights may be well understood, and secur'd, is the great and only design of these Papers. To that end I have vouch'd the Precedent Passages from the Records of Parliament and Convocation: not to set up any vain Pretence, to the utmost of that Parliamentary Interest, which the Clergy sometime had; but to secure only what remains of it to them, by shewing, that their Separation from Parlia-  
ment



ment, did not cut them off from all manner of Relation to it; but that still, after that, their *Convocations*, though held at a distance from the Parliament, were, in their own nature, as well as in the Acceptance of the Crown, and in the Eye of the Law, *Parliamentary Assemblies*.

These Parliamentary Meetings of the Clergy were at first *Congregationes*, or *Convocationes Cleri*; but not therefore *Concilia Provincialia*: Which were Extraordinary Assemblies for Church Business only; for the restoring laps'd Discipline, and reforming Ecclesiastical Abuses; whereas the Others were originally held for Civil Purposes alone, and the Common Affairs of the State. And when Archbishop *Stratford* therefore called a Council of his Province \*, the Preamble

of his Letters Summonitory owns, both the Obligation he was under by the Canons of Assembling them Yearly, and his having omitted to do it for Eight Years last past; though, doubtless, he had often in that time Convened the Clergy of his Province to Parliament. However this Distinction held

not very long; the Business of Provincial Councils being in tract of time done in the ordinary Congregations of the Clergy; and these and those being promiscuously stiled *Convocations*: Till at last Provincial Councils, properly so called, ceased altogether; and Parliamentary Convocations came into their room: The Frequency and fix'd Certainty of which,

F

gave

\* By a *Writ* dated 10 Kal. Aug. 1341. which begins thus—*Quamvis sit Sacris Canonibus Constitutum quod Metropolitanus, Archiepiscopi, & Primate annis singulis Legitimo Impedimento cessante, pro Excessibus corrigendis, & Moribus reformandis, debeant Provinciale Concilium celebrare.*

gave the Clergy a Regular Opportunity of doing all that for which the other Synods did but occasionally serve. And when *Warham* therefore in 1509. did by his Own Authority call a Synod for the Redress of Abuses, and Reformation of Manners, his Mandate warn'd it to

\* *Parliament Met*, Jan. 21.  
*Convocation*, Jan. 26. See *Mandate in Bishop Burnet's Collection of Records*, Vol. I. p. 6.

meet a few days after the *Parliament*\*, and stiled it, not a *Provincial Council*, but a *Convocation* of the Clergy: And this Word therefore afterwards in the

*Submission-Act* (as I understand it) was applied strictly to signify, the Clergy's Parliamentary Meetings: For otherwise, it could with no colour of Truth have been affirmed, as it is, there, That the Convocation *had always been Assembled* by the King's Writ; unless both the Submitters and Enacters had by the Word *Convocation* understood the Consults of the Clergy in time of Parliament: which, in some sense, were held *always* by the King's Writ, that is, by the Premunitory Clause in the Bishops Summons: and, let me add, are so held still;

† *Bagshaw* in his *Argument about the Canons*. p. 55.

as good Lawyers own †, and Bishop *Ravis*, in his Paper of Reasons to Queen *Elizabeth* †, affirms; and the whole Lower House did to the same Queen upon occasion solemnly declare, Witness their Remonstrance in 1558; to justify the Freedom of which, they in the Preamble of it suggest the several Authorities by which they Assemble. The Instrument is

.. *Ch. Hist.*  
 IX Book.  
 p. 55.

Printed in *Fuller*..; but with the Omission of some words, which in that part of it which we have occasion to mention may be thus supplied, — *Nos Cantuariens. Provincie Inferior [ & ] Secundarius Clerus in uno (Deo se dispo-*  
*nense,*

mente, ac Serenissimæ Dominæ nostræ Reginæ [ Jus-  
su ] Decani & Capituli Cantuariensis Mandato,  
Brevi Parlamenti, ac Monitione Ecclesiastica sic  
exigente ) convenientes, partium nostrarum esse ex-  
istimavimus, &c.

And this Opinion also that Parliament was  
of, which Voted the Canons of 1640. Illegal,  
chiefly on this head, because they were made  
in an Assembly, which, though it met by the  
Parliament Writ, yet Sate and Acted after the  
Parliament was determined. Nor were they  
contradicted in it by the Famous Judgment  
given under the Hands of his Majesty's Coun-  
sel, and other Honourable Persons Learned in  
the Law, if the Words of that Judgment be  
well considered, which are these; " The  
" Convocation being called by the King's  
" Writ under the Great Seal, doth continue,  
" until it be dissolved by Writ, or Commission  
" under the Great Seal, notwithstanding the  
" Parliament be dissolved. (*Troub. Try. Laud.*  
*p. 80.*) Which is all very true; and yet it may  
be true too, that such a Writ, or Commission  
ought of course, to issue from the Crown, up-  
on the Dissolution of the Parliament. But  
this Point is not touch'd upon in the Judge-  
ment given, and seems to have been purposely  
declined: For otherwise, it had been a clearer  
and fuller Determination of the Matter in  
Question, if they had said, That the King  
might, by his Prerogative keep a Convocation  
sitting as long as he pleased, notwithstanding  
the Dissolution of that Parliament, with  
which it was called.

I will not say, That the Parliament of  
1660. were certainly of the same mind, though

it is probable they were; and that this was One, if not the Chief Reason, why in the Act \* Restoring Ecclesiastical Jurisdiction they so particularly, and by Name, excepted those Canons from a Parliamentary Confirmation.

\* 13 Car. II.  
c. 12.

However that may be, sure we are, That the Convocation of the Clergy have (as has been said already) for above 150 Years in every Instance (except that of Forty, and the Synods *Legatin*) Met and Rose within a day of the Parliament. And if *Custom* therefore be the *Law of Convocations*, as it is of Parliaments (and we have Dr. Wake's Word for it, that it is †) then is it *Law*, that the Convocation should meet *Only*, and *Always* in time of Parliament. The Learned Mr. *Cambden* knew no better, whose Words are, *Synodus quæ Convocatio Cleri dicitur, & semper simul cum Parlamento habetur* ||. Thus stood *Britannia* Then; though a late Paultry Compiler of the *New State of England* will have it, that it is an *Assembly* which *now and then* Meets, and that in time of Parliament \*: Thanks to Dr. Wake for furnishing him with the occasion for such a Definition! which I trust however that the Doctor and all his Friends, shall not, in the Event, be able to prove a True One; not even by that only Argument which can ever possibly prove it so, Future practice.

† Pp. 105,  
- 98.

|| *Britannia in Cap. de Tribunalibus.*

\* Mieg's  
*New State of England.*  
Part. III.  
p. 64.

The very *Warrant* to the Keeper of the Great Seal for issuing out Writs for a Parliament, is a standing Testimony against these new Notions: It ran thus in *James* the First's time, and I suppose, runs so still: "Whereas we are resolved to have a *Parliament* at, &c. These are to Will and Require you forth-  
" with

“ with upon Receipt hereof, to Issue forth our  
 “ Writs of Summons to all the Peers of our  
 “ Kingdom; and also all other *Usual Writs* for  
 “ the Electing of such *Knights, Citizens, and*  
 “ *Burgesses*, as are to Serve therein; and with-  
 “ all to Issue out all *Usual Writs* for the Sum-  
 “ moning of the *Clergy of both Provinces* in  
 “ their Houses of *Convocation*. And this shall  
 “ be your Warrant so to do \*. So that the  
 Writs for the Convocation are, it seems, as  
*Usual* as those for the Commons; and the  
 One Assembly therefore is as *Customary* as the  
 Other.

\* Hacket's  
*Life of Bi-  
 shop Willi-  
 ams.* p. 173.

My Lord of *Sarum* seems to have had no  
 other thoughts, where, in the Entrance of his  
*History of our Reformed Synods*, (for such every  
*History of our Reformation* is, or should be) he  
 lays it down, That *with the Writs for a Parlia-  
 ment there went out always a Summons to the Two  
 Archbishops for calling a Convocation of their Pro-  
 vinces* †: Always, i. e. long before the times  
 of *H. VIII.* of which his Lordship is Writing.  
 I doubt not but his Lordship's Meaning then  
 was, That these Writs went out to Purpose,  
 and had their due and full Effect; for the  
 Distinction, which some State-Logicians since  
 have Coin'd ‡, between a Right of *being Sum-  
 moned*, and a Right of *Meeting* in Virtue of  
 that Summons, was not then Invented. But I  
 presume too far in venturing to guess at his  
 Lordship's Thoughts, when his Words are such  
 as may indifferently serve either *Hypothesis*,  
 and can therefore, I must confess, be a good  
 Authority for neither. Let us have Recourse  
 therefore to Those who are more determined  
 in their Expressions.

† *Hist. Ref.*  
 I. Vol.  
 p. 20.

‡ *Dr. W.*  
 p. 106,  
 107,  
 140, 141.

\* MS. Acta  
Synodi in-  
cepta,  
Nov. 5.  
An. 1547.

† Act. MS.  
Syn.  
cocepta,  
Jan. 21.  
1557.

† Fox.  
Vol. III.  
p. 587.

.. Ibid.  
p. 552.

Archbishop Cranmer in that Speech by which he opened the first Convocation under E. 6, affirms it to be \*, *De more regni Angliæ, primo quoque anno regni cujuslibet Regis citare Parliamentum, nec non & Convocare Synodum Episcoporum & Cleri; sicque fieri in præsentem de Mandato Regis.* He speaks of a Custom only in the First Year of every Reign, because That was the Present Case: whereas Cardinal Pool at a Synod held in the latter end of Queen Mary, enlarges the Assertion, and says, † *Quod cum de antiquo more Rex Angliæ ob aliquot arduas Causas Prælatos hujus Regni ad Concilium sive Parliamentum suum adesse jubet propter Regis Securitatem & Regni Statum — Concilia & Auxilia sua impensuros: Ita Archiepiscopus Cantuariensis Episcopos suos Suffraganeos, Prælatos, &c. ad Sacrum Concilium evocare assolet, de iisdem Causis tractaturos, & auxilia sua consimili modo daturus.*

And to the same purpose the Good Martyr, Archdeacon Philpott, a Member of Convocation, and well skill'd in the Rights of it: He, in his Supplication to the King, Queen, and Parliament, complains, "That where there  
"was by the Queen's Highness a Parliament  
"called, and after the Old Custom a Convoca-  
"tion of the Clergy ||. Nor did those Lords  
of the Council, who disputed other Points  
with him, deny this; but agreed in Terms,  
"That the Convocation-House was called by  
"One Writ of Summons of the Parliament,  
"of an Old Custom. I lay no great weight  
upon their Opinion, because it was casually  
given, and by Persons, who, though of the  
King's Privy Council, yet might, perhaps, be  
as ill inform'd of these Matters as Meaner  
Men:



Men : For a Seat at that *Honourable Board* does not necessarily imply a thorough knowledge of this part of our Constitution. I mention their Opinion, only to meet with *Dr. Wake*, who has produced it on the other side with as much Gravity and Deference, as if it were a Resolution of the Twelve Judges Assembled \*. He \* P. 251. had been Reading, I suppose, in that Notable Book of the Law, *The Attorney's Academy*, where he found it thus formally vouch'd †: † P. 221. And he thought he might safely Write after so Worthy a Pattern.

To make amends for this slight Authority, I shall produce another of somewhat more force; even the Judgment of a whole Synod in *Queen Mary's* time, who introduce their Petition about the Confirmation of Abby Lands to the Patentees, with this Preamble; || *Nos Episcopi & Clerus Cant. Prov. in hac Synodo*, || 1. 2. P. more nostro solito, *dum Regni Parliamentum celebratur, congregati* — Where we see they lay claim to an Old Immemorial Custom, not only of being Called, by the King's Writ, together with every Parliament, but of Meeting also upon that Call, by the same Custom. For unluckily it happens (to spoil *Dr. Wake's* New Scheme) that they place the *Usage*, in their being more solito *Congregati*; not *Convocati*, or *Summoniti*; as the Word should have been, to make Their Assertion consistent with His. But alas! they knew nothing of this new Doctrine, and their Expressions therefore are not so contrived as to favour it. They were then Assembled in a Synod, and Acting as a Synod, when they drew up this Petition: And tis of a Custom therefore of so Assembling and Acting that



that they speak ; and not of *being* only *Summoned*. Nor was this the Sense of the Clergy alone, but of an Whole Parliament too, which recited this Petition *Verbatim* in a Statute ; and by that means set their Seal, as it were, to the Truth of the Suggestion contained in it.

\* Elfyng.  
p. 112.

It would be needless after this to argue from the Old Parliamentary Practice of appointing *Convocation-days* \* upon which the Temporal Lords Adjourned, that the Parliament-Prelates might be at Liberty to Consult with the Inferior Clergy : Of this Custom we have an Account, as high as the first Years of *H. VIII.* i. e. as high as we have any *Journals* of Parliament.

† Moor.  
Rep. p. 781.  
|| Hist. Ref.  
II. Vol.  
p. 252, 3.

\* They determined  
also, That  
a Layman  
could not

To as little purpose would it be to urge the Decision of the Committee of Both Houses, 21 *H. VIII.* † ; and of the House of Commons, 10. *Mariae* || ; that a Clergyman could not be Chosen into that House, \* *Because he was Represented in another House* : Which implies, I think, that that other House was to sit concurrently with the Parliament ; or else I see not what force there is in the Reason given.

be of the Convocation: But in That, Practice is against them. For the Chancellor of York, though a Layman, is Now, and has been long, a Member of that Convocation : And whether Lamb and Heath (who are Mentioned as of the Convocation in 1640.) were not Mere Civilians, I leave to be consider'd. Heyl. Life of Laud. p. 438.

Much less will it, perhaps, after what I have said, be thought 'Material' to observe, that 24 *H. VIII.* c. 12. in Matters touching the Crown allows an Appeal within Fifteen days, to the Upper House of Convocation, then being,

ing, or next ensuing : which supposes this Assembly to Meet often, and to have its Regular and Stated Returns ; as the Parliament has.

These, though good *Presumptions* of the Truth I contend for, yet arise not up to the fulness of several of these *Proofs* which I have before suggested : And because they may admit a Cavil therefore, I hint them only, without dwelling upon them. The Evidence already given is sufficient to clear the Practice, as it stood 150 Years ago, and had then stood, Time out of mind. And that it has not altered *since*, is too well known to need a Proof : There being no Instance to be given, I believe, from the time of the Reformation down to that of our late Revolution, wherein a New Parliament has sate, for any time, without a Convocation to attend it : Nor any one Author of Note, I verily think, to be produced, throughout that Period, who has given it as his Opinion, that the Former of these Meetings might by the Law of the Realm be held without the Latter. Dr. Wake is for ought I can find, the very first Writer that has ever Taught this Doctrine ; with how much Truth or Probability, the Reader by this time begins to judge, and will, in the Course of these Papers more clearly see : Wherein I hope to set the Clergy's Right to such Concurrent Meetings in so full and clear a Light, that as no One ever denied it before Dr. Wake, so neither shall any Man of tolerable Skill, or Honesty ever Dispute it after him.

I have been large upon this Head, and I fear, by reason of the variety of the Matter, somewhat confus'd : It may be proper therefore,

fore, here at the close of it, to recollect the several Branches of the Proof there advanc'd: They stand in this Order.

That, as far back as we have any Memoirs of the Civil or Ecclesiastical Affairs of this Kingdom, it appears that the Clergy and Laity Met together in the great Councils of the Realm: That this they did, in the *Saxon* times, and for some Reigns after the Conquest, *Nationally*; joining closely with the Laity in Civil Debates, and taking Their Sanction along with them in all Ecclesiastical Acts and Ordinances: That they divided afterwards from the Laity, and from one another; and attended the Parliament not in One Body, but in *Two Provincial Synods*, held under their several Archbishops: That, though it does not clearly appear, when this Practice first had its Rise, yet sure we are, that it is between 4 and 500 years old, and has for so long at least, regularly obtain'd; excepting only the Interruption that was given to it by the Premunitory Clause, inserted into the Bishops Writs; which once again warn'd, and brought the Clergy Nationally to Parliament: That a strict Compliance with this Clause was at first exacted by the Crown, and paid by the Clergy; but that they soon found ways of being released from the Rigor of it, and prevail'd upon the King to accept of their former manner of *Assembling with the Parliament in Two Provincial Synods*, in lieu of that Closer Attendance which the *Premunientes* challenged; the Forms however being still kept up, by which the King's Right of Summoning them immediately to Parliament was declar'd all along, and their Obligation to obey

obey his Summons in the way it prescribed, was duly acknowledged: That these Provincial Assemblies, though held apart from the Parliament, yet belong'd to it; Met by the Parliamentary, no less than the Provincial Writ; and were State-Meetings, as well as Church-Synods: In them Parliamentary Matters were Transacted, and Parliamentary Forms and Methods observed; the Members of them were Entitled to Parliamentary Wages, and enjoyed Parliamentary Priviledges: That the Inferior Clergy, though divided in Place from the Lower Laity, yet join'd with them often in the same Acts and Petitions, and were still esteem'd and called the *Commons Spiritual* of the Realm; and what They and the Prelates in *Convocation* did, was long after the Separation spoken of in our Records, as done in *Parliament*: That these Parliamentary Conventions of the Clergy were held at first near the time at which the Laity met; afterwards with a Latitude: But that This Irregularity was Reformed before the Reformation of Religion; and their Meeting and Departing fixed, within a Day of the Assembling and Dismissal of the Parliament; and that this Custom has now for above an Age and Half continued: That for so long therefore (not to say how much longer) the *Convocation* has been a word of Art, which signifies a Meeting of the Clergy in time of Parliament: That such Meetings have by All that understood our Constitution been held *Necessary*; Dr. Wake being the First Writer, that has ever asserted them to be *Pre-carious*, and put it in the Prince's, or the Archbishop's Power, whether they will have such Assemblies, or no.

The

The Result of All is This, That, if some Hundred Years Custom can make a Law, then may we, without Offence, affirm it to be *Law*, that the Convocation should Sit with every New Parliament: If the True Notion of a Convocation be, That it is an Assembly of the Clergy always attending the Parliament, then is it no Presumption to say, That we have the same Law for the Sitting of a Convocation, as we have for that of a Parliament. And by this *Law* the Clergy (as was said before in relation to the *Canons* of the Church) are not only under a *Duty* to attend, but have also a *Right* to meet; so that, as their Writs for Assembling concurrently with a Parliament, are not mere Letters of Grace and Compliment, but to be emitted *ex debito Justitiæ*, and whether the Government has any thing to propose to them or no; so likewise are their Assemblies at such times to be held by the same Law, notwithstanding it may be pretended that there is no Occasion for them. For although their Consent may not be necessary, nor their Advice seem wanting; yet, as they are bound to wait, if Either shall be ask'd; So may the Clergy themselves have some Informations and Remembrances to offer, and some Petitions to make concerning such things, as they may be supposed to take more particular notice of, or wherein they may be more peculiarly concern'd. And this Liberty and Opportunity of representing what they may think necessary, is to be esteemed by them as their great Parliamentary Privilege; not to be Wav'd, like the Others, for the better course of common Justice;

but

but to be Asserted and Confirmed for the Good of the whole Kingdom.

Such a Liberty therefore and Opportunity is not only provided for by Canons, but secur'd, I say, by the Law: Both by the Law of Custom, which is the Law of Parliaments; and by Express Statute: an Act of Edward the Third appointing a Parliament, and consequently \* a Convocation to be held just within the Canonical distance, Yearly; and the present Law enjoining, That it shall be frequently held, and once at least in Three Years: Held, I say, and not only Called; for that is the Right we speak of: A Right, that has been all along own'd by constant Practice; or, if perchance not exercised at some Particular time, through Forgetfulness, or Distraction (to allow the utmost, and more perhaps, than can be proved); yet never Purposely, and, if I may so speak, Regularly Neglected till Now.

\* Thus the Answerer of the Nine Reasons of the House of Commons against Bishops Votes in Parliament Argued; alledging, That the Bishops were by the Triennial Act obliged necessarily to attend the Convocation once in Three Years: And the Examination of that Answer (40. 1641.) Printed by Order of a Committee of the House, grants the Allegation. P. 16, 17.

---

CHAP.

## C H A P. III.

**H**itherto we have considered only the First of the Two Points proposed, the Clergy's Right of Meeting and Sitting in Convocation, as often as a New Parliament Sits: We will now address our Selves to the Second, which asserts their Right (*when Met*) of *Treating and Deliberating about such Affairs as lie within their proper Sphere, and of coming to fit Resolutions upon them, without being necessitated antecedently to qualify themselves for such Acts and Debates by a License under the Broad Seal of England.*

That this is the Original Right of all Provincial Synods, incident to their nature, as such, claim'd and practis'd by them in all Ages of the Church, and in all Christian Countries, and in our own particularly, from the time that we have any account of our Synods, till towards the beginning of the Reformation, is so certain, as to need no Proof; and Dr. Wake therefore is never more like himself (that is, never more Absurd) than when he would insinuate the contrary\*. The only Question is, how far the Statute 25 H. VIII. has restrained this Right, and made a License from the Crown necessary? It being there Enacted, "That the Clergy, ne any of them  
" should from thenceforth presume to attempt,  
" alledge, claim, or put in ure any Constitu-  
" tions, or Ordinances, Provincial or Syno-  
" dal, or any other Canons; nor should En-  
" act, Promulge, or Execute any such Ca-  
" nons, Constitutions, or Ordinances Pro-  
" vincial,

\* P. 48,  
288.



“ vincial, by what Name or Names they may  
 “ be called, in their Convocations in times  
 “ coming ; unless the same Clergy may have  
 “ the King’s most Royal Assent and License  
 “ to Make , Promulge , and Execute the  
 “ same.

Now that the Clergy are not by this Clause  
 ty’d up altogether from acting Synodically, is  
 allowed generally by Those who desire most  
 to abridge their Powers. It cannot with any  
 shew of Reason be pretended, that the Con-  
 vocation, however under a Restraint by this  
 Act, is become such a Lifeless Body, as to  
 have neither Sense nor Motion, till Animated  
 by a second Royal Command : Unquestiona-  
 bly, and according to common Opinion and  
 Practice, they have, even since this Statute,  
 in virtue of the Writ by which they Meet, a  
 Liberty of Addressing, as they shall see cause  
 either with Thanks, or Requests, or other  
 proper Representations — But it is pre-  
 sum’d also, that they may go a great deal fur-  
 ther, and that there is nothing in the Clause  
 recited which hinders them even from Devising  
 and Framing the *Draught of a Canon* ; so it be  
 done only in a Preparatory Way, and with  
 Submission to the Royal Enacting Authority.  
 This is what has been laid down in a late Trea-  
 tise \*, briefly indeed, but convincingly ; and  
 with so much force of Reason, as yet has re-  
 ceived no Reply : The Answerers of that  
 Piece having slid over this part of it, where  
 the Act is Explained, with a Seeming Neglect,  
 but with a Real Distrust of their being able to  
 say any thing to the purpose against what is  
 there advanced. When they come to this  
 Point,

\* Letter to  
 a Convoca-  
 tion-Man.

Point, as important as it is, they dispatch it always in haste: Even Dr. Wake can allow it but a slight mention or two, in a Work, where he finds room amply enough to discuss every thing that is not Material. But he did well to tread lightly over the Ground, which, if he had stood never so little upon it, would have gone near to have sunk under him. To make this Point yet more manifest, and not to leave the least pretence for a Cavil, I shall here resume the Proof of it; bespeaking the Candor of those Gentlemen, whose studies particularly lie this way, if, (as the general Fate is of those that Write out of their Profession,) I express my self now and then a little improperly. So the Thing I aim at be but clearly made out, though my Manner of doing it be not strictly according to Art, it will not concern me. I shall consider first, the *Occasion* of the Act, and then the *Act* it self; and by a short account of the One lead the Reader into the true Sense and Meaning of the Other. Henry the VIIIth enraged both at the Pope and Cardinal *Wolsey* for their Delusions in the Affair of the Divorce, resolved with the Ruin of the Cardinal to lessen the Papal Authority. And for the better effecting this Design, which could not well be accomplished, without striking a Terror into Those who were then but too much the Pope's Vassals, the Clergy; especially the Monks and Friars; he involved them All in a *Proscription* for submitting to *Wolsey's* Legatine Character, unauthorised by the Crown; not for *Preaching*, or *making Use of Provisional Bulls*; as Dr. Wake, in his usual Kindness to the Memory of the Clergy, and according

according to his deep Skill in *English* History has represented it \* : Nor yet merely for Ap-  
pearing and Making Suit in his Courts, as a

\* P. 248.

Greater Author †, (but in this Conjecture no less Unhappy) than He, seems to take it, for then All the Clergy could not have been concluded under the Penalty, for All had not Su'd there. But that which made the whole Body at once Obnoxious was, their obeying his Mandates †, and appearing in his Synods Legantine; which the Clergy had often, and lately (\*) done.

† Bishop Burnet's Hist. of Ref. Vol. I. p. 106.

† Rigida enim Provisio-  
num  
Jura (says

Josceline *upon this occasion*) non modò eos puniunt qui Romanas Lega-  
tiones sine Regis Licentiâ suscipiunt, sed qui iis *parent*. Ant. Brit.  
Eccles. in Warhamo. p. 325.

(\*) An. 1527.

The Cardinal had been a Favourite beyond Example; the Sole, and Uncontroul'd Minister of his Prince: He was at that time Lord Chancellor by the King's Commission, and had been made Legat with his Privy, and at his Special Instance, as Bishop Gardiner informs us (†). What he did in one Capacity, as well as in the other, was presum'd to be done by the King's Appointment; and whoever had opposed him, had certainly been crush'd by the Royal Power. The Subject neither durst, nor thought it necessary to enquire, whether He had a License from the Great Seal, who had himself the keeping it. However their Obedience to his Unlicens'd Authority was Criminal even to the Loss of Liberty and Estate: And could they in any case have vouch'd the King's Command for their Obeying it, the Command would have been said to

(†) In a Letter to the Protector. Fox Vol. II. p. 2. col. 1.

have been against Law, and no Warrant. The both the Clergy and Laity were unawares the King's Mercy, and the Clergy not admitted to pardon *Gratis* (as the Laity afterwards were); but forc'd to ransom themselves a good Round Sum \* for those times, and an Acknowledgment in Convocation, that the King was *Supreme Head*, together with the *Submission*, and *Petition* recited in the Preamble of the Act we are discoursing of.

\*100000l.  
for the Province of  
Canterbury, and

18840 l. 10 d. for that of York; which was laid, as all other Convocation-Grants were, proportionably on the whole Clergy; as appears from the Assessments to be seen still in the Bishops Registers; particularly in that of Hereford, An. 1531. And I wonder therefore that my Lord of Sarum should say, That he had not been able to discover whether the Inferior Clergy paid their Proportion of this Tax, or not (Vol. I. p. 115. and again, That the Prelates had a great Mind to draw 'em in to bare share of the Burthen, *Ib.* p. 114. [He speaks of the Time, after the Convocation which made the Grant, was up.] For this was both Needless and Impracticable: Needless, because the Lower Clergy had already drawn themselves in, by consenting to the Grant in Convocation; and Impracticable, because if they had not, there was no way left of drawing 'em in afterwards.

There the Clergy first knowledge [and the Parliament add, according to the Truth] that the Convocation is, always hath been, and ought to be Assembled by the King's Writ. Which Acknowledgment however is not according to Truth, unless understood of Parliamentary Convocations; that is, of those which were summoned as well by the *Præmunientes*, as by the Archbishop's Mandate: And to Those therefore it must be restrain'd. And they had reason to Own and Avow this particularly, because the Cardinal had taken upon him to Convene Legantine Synods by his own Authority frequently during his Ministry; and particularly



**W** H E R E the King's Humble and Obedient Subjects, the Clergy of this Realm of *England*, have not only knowledged according to the Truth, That the Convocations of the same Clergy, are, always have been, and ought to be Assembled by the King's Writ, but also submitting themselves to the King's Majesty, have promised in *Verbo Sacerdotii*, that they will never from henceforth presume to attempt, alledge, claim, or put in ure; or enact, promulge, or execute any new Canons, Constitutions, Ordinances, Provincial, or other, or by whatsoever other name they shall be called in the Convocation, unless the King's most Royal Assent, and License may to them be had, to make, promulge, and execute the same: And that his Majesty do give his most Royal assent and authority in that behalf. And where divers constitutions, ordinances, and Canons Provincial, or Synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the King's Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but also overmuch onerous to his Highness and his Subjects: The said Clergy hath most humbly besought the King's Highness, that the said constitutions and canons may be committed to the examination and judgment of his Highness, and of Two and Thirty Persons of the King's Subjects, whereof Sixteen to be of the upper and nether house of the Parliament, of the Temporality, and other Sixteen to be of the Clergy of this Realm; And all the said Two and Thirty Persons to be chosen and appointed by the King's Majesty: And that such of the said Constitutions, and Canons as shall be thought and determined by the said Two and Thirty Persons, or the more part of them, worthy to be abrogated and adnulled, shall be abolite and made of no value accordingly. And such other of the same constitutions, and Canons, as by the said Two and Thirty, or the more part of them, shall be approved to stand with the Laws of God, and consonant to the Laws of this Realm, shall stand in their full strength and power, the King's most Royal Assent first had and obtained to the same.

Be it therefore now Enacted by the Authority of this present Parliament, according to the said submission and petition of the said Clergie, that they, ne any of them, from henceforth shall presume to attempt, alledge, claime, or put in ure any constitutions, or ordinances, provincial or Synodal, or any other Canons: Nor shall enact, promulge, or Execute any such Canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called in their Convocations in time coming (which alway shall be assembled by authority of the King's Writ) unless the same Clergy may have the King's most royal assent and license to make, promulge, and execute such Canons, constitutions, and ordinances provincial or Synodal, upon paine of every one of the said Clergy, doing contrary to this Act, and being thereof convict, to suffer imprisonment, and make fine at the Kings will.

And forasmuch as such canons, Constitutions and Ordinances, as heretofore have been made by the Clergy of this Realme, cannot now at the Session of this present Parliament, by reason of shortness of time, be viewed, examined, and determined by the King's Highness, and xxxii. persons to be chosen and appointed, according to the petition of the said Clergy, in form above rehearsed.

Be it therefore enacted by Authority aforesaid, That the King's Highness shall have power and Authority to nominate and assigne at his pleasure the said Two and Thirty persons of his Subjects, whereof Sixteen to be of the Clergy, and Sixteen to be of the Temporality, of the upper and nether house of the Parliament. And if any of the said Two and Thirty persons so chosen, shall happen to die before their full determination: Then his Highness to nominate other from time to time, of the said two houses of the Parliament, to supply the number of the said Two and Thirty. And that the same Two and Thirty by his Highness so to be named, shall have power and authority to view, search, and examine the said Canons, constitutions and ordinances provincial and Synodal heretofore made, and such of them, as the Kings Highness, and the said Two and Thirty, or the more part of them shall deeme and adjudge worthy to be continued, kept, and obeyed, shall bee from thenceforth kept obeyed and executed within this Realme, so that the King's most Royal assent, under his great Seal, be first had to the same: and the Residue of the said Canons, Constitutions and Ordinances provincial which the King's Highness, and the said Two and thirty persons, or the more part of them, shall not approve, or deeme and judge worthy to be abolite, abrogate, and made frustrate, shall from thenceforth be void and of none effect, and never be put in Execution within this Realme.

Provided always that no canons, constitutions or ordinances, shall be made or put in Execution within this Realme, by authority of the Convocations of the Clergie, which shall be contrariant or repugnant to the King's Prerogative Royal, or the Customes, Laws or Statutes of this Realme, Any thing contained in this Act to the contrary hereof notwithstanding.

\* \* \*

Provided also that such Canons, Constitutions, Ordinances, and synodals provincial, being already made, which be not contrariant, nor repugnant to the Laws, Statutes and Customes of this Realme, nor to the Damage or hurt of the King's Prerogative Royal, shall now still be used and executed as they were afore the making of this Act, till such time as they be viewed, searched, or otherwise ordered and determined by the said Two and Thirty persons, or the more part of them, according to the tenour, forme and effect of this present Act.



cularly Once, (not long before his Fall, and the Time of this Submission) on Nov. 27. 1527. \* And that Practice of his therefore might be oppos'd by this Declaration which prefaces the Submission.

\* As I gather from a Printed Sermon of

Longland's said to be Preached on that Day and Year, Coram Celeberrimo Conventu tñm Archiepiscoporum cñm Episcoporum cæteraque multitudinis in Occidentalis Coenobii Sanctuario juxta Londinum. Though this Title, I confess, is somewhat Dubious.

In the Submission, which follows, the Clergy promise in Verbo Sacerdotii, that they will never from henceforth presume to Attempt, Alledge, Claim, or put in Ure; Or Enact, Promulge, or Execute any New Canons, Constitutions, Ordinance Provincial, or other, or by whatsoever other name they shall be called in the Convocation; unless the King's most Royal Assent and License may to them be had to Make, Promulge, and Execute the same: And that his Majesty do give his most Royal Assent and Authority in that behalf.

Now here are Two several Things distinctly promised in Two Different Branches of the same Sentence, divided from Each other by the Particle, Or; They will not Attempt, Alledge, Claim, or put in Ure, that is one part of their promise; Or Enact, Promulge, or Execute, that is another. The First of these respects Canons, as already made (whether by a Foreign, or Domestic Authority); the Second, as to be made, here at Home: The Former part of their Assurance is given in their Private and Ministerial Capacity, in relation to the Proceedings in the Spiritual Courts; the Latter in their Publick and Legislative Capacity, as they were Members of Convocation. In their



*Private Capacity*, as they might be either Judges, or Litigants, they promise, not to *Attempt, Alledge, Claim, or put in Ure* [i. e. not to be any ways Instrumental in acknowledging, or promoting the force of] any Canons made without the Royal Assent; such as the whole Text of the Foreign Canon Law, and all our Own Provincial and Legantine Constitutions were: In their *Publick Capacity*, they promise further, not to *Enact, Promulge, or Execute* any such Canons for the Future, unless they may have the same Royal License for it. But here is no promise couch'd in any of these words, that they will not *debate about the matter, or form the Draught* of a Canon, without such a License: None of the Words (*Enact, Promulge, or Execute*) which alone relate to their Proceedings in Convocation, including any such Promise; and the only word which can be pretended to imply it, the word [*Attempt*] being determin'd by its Situation to signify much the same thing as *Alledge, Claim, or put in Ure*; and restraining the Persons promising only as they might Act in their Private or Ministerial Capacity, that is, out of Convocation.

To *Attempt a Canon* therefore must signify to *put it upon tryal, or prove the force of it*; and is a word of Art borrowed from the Civilians: However we need not go so far for an account of it; the very Act we are upon affording us an undeniable Instance of its being thus used: as will appear, if we consider the *Petition* of the Clergy which follows this *Promise*, and the *Enacting Words* in the Body of the Statute, which answer to that *Petition*.

The *Petition* relates altogether to Canons already made, many of which were solely from the Pope, and many more from the Archbishop, without the Royal Assent; and the Clergy pray therefore that These may be Reviewed, and their Authority Suspended, during that Review. Accordingly the Authority of all the Old Canons was suspended; or rather Abrogated by this Act, as appears plainly from the *Proviso* \*, at the End

of it, for their being in force, till such a Review, and from the Express words of a Later Act, 37 H. 8. c. 17. †: And this Abrogation of the Old Canons was performed purely by those Words in the Enacting part of the Statute, that they shall not from henceforth Attempt, Alledge, Claim, or put in Ure: All which words therefore the Parliament used Evidently of Canons already made; and must, for that reason, have understood the word *Attempt*, in the very sense that I have given it, for putting a thing upon Tryal, or proving the force of it.

No Restraint therefore is laid upon the Clergy in their *Legislative Capacity*, by the word, *Attempt* in their Promise: How far the following Words of it, [that they will not Enact, Promulge, or Execute any new Canons, — unless the King's most Royal Assent and License may to them be had to Make, Promulge, and Execute the same] may be supposed to restrain them in

\* Which Dr. Wake in his pretended Recital of the Act, [N. 4. of his Appendix] has suppressed, very disingenuously; considering of how great Significance this Proviso is, to lead us into the true Sense of the Word Attempt in the Body of the Act.

† Which says, That All the Decrees, Ordinances, and Constitutions [of the whole Canon Law] by a Statute made in the 25th of your most noble Reign be utterly abolished, frustrate, and of none effect.

that respect, is to be the subject of our next Enquiry. The word, *Make*, here in the Condition of the Promise must have the same Sense as the word *Enact* in the Promise it self, to which it plainly answers and refers: They will not *Enact*, *Promulge*, or *Execute* any New Canons; unless they may have the King's Assent to *Make* [i. e. to *Enact*] *Promulge*, and *Execute* the same. This is what the Phrase it self in Propriety of Speech implies: For to *Make* a Canon, is the same as, *Canonem Condere*, to constitute it, and give it force: And so, *Testamentum Condere*, [to make a Will] signifies not merely to prepare the Draught of it; but to *make* it with the Legal Forms, and Circumstances requisite; that is, to Sign, Seal, and Publish it. But (which puts this matter quite out of dispute) the Word is in this very sense employed in Two several places of the Act it self, and can there be strain'd to no other: For in the Entrance of the second Clause there is mention of *such Canons, Constitutions, Ordinances* as heretofore have been made by the Clergy of this Realm; and in the Last Proviso, of *Canons* already made, *which be not contrarious to the Laws, Canons heretofore made, and Canons already made*, must, I think, be such, as have been solemnly *passed and Enacted*, and not mere *Draughts* of 'em, lying ready to be pass'd: And to *make* a Canon therefore, does, in the sense of the Statute, signify to *Enact* it, and not merely to *draw it up*, and to *form* it.

And

And this Way of Explaining the Act by it self, in the Use of the Present Phrase, is, I conceive, much more Authentick and Proper, than that which the Author of a *Letter to a Member of Parliament* \* makes use of, who \* P. 26. wisely sends us to *Tully*, and to *Mr. Hooker* for an account of it. Were not this Gentleman of the Law driven to very hard shifts, he would never go to a *Classick* Author, or a Book of Divinity for the Sense of an Act of Parliament.

To clear this Point yet further (if there were any Room for it, or any Need of it) I might appeal to the several Forms of Submission which preceded this, that the Act recites, and were agreed to by the Clergy, but not accepted by the King; Copies of which, written in the very Hand of the time, are still preserved: And in every One of them, but the First, their Promise stands formally divided, in the same manner as I also have distinguished it, into Two several Branches or Articles; One relating to Church Laws that had been (as they there speak) already made; the Other to such as were to be made hereafter. And of these last much the same words are there used, as in the Form recited by the Statute; They promising, That they will from thenceforth forbear to Enact, Promulge, or put in Execution, any such Constitution or Ordinance, to be by them made in time coming, unless his Highness by his Royal Assent shall License them to Make, Promulge, and Execute such Constitutions; and the same so made shall approve by his Highnesses Authority. But as to the Former Article about Canons already made, none of their first

See Appendix,  
N. III,

Submissions were, it seems, thought full enough; and they were obliged therefore, to draw up a New one, wherein they promised not to *Attempt, Alledge, Claim, or put in Use* the Ecclesiastical Laws then in force; but so long only, as till the King, by his Commissioners, should have reviewed, digested, approved, and Authorised them. It has happened oddly enough, that Those Forms of Submission, that were not accepted, are still in being; whereas That which pass, has, for Ought I

\* Unless preserv'd. In my Lord Longvil's Library. In the Printed Catalogue of which I find this Title, *Instrumentum super Submissione Cleri coram Domino Rege quoad celebrationem Conciliorum Provincialium*. Vol. XII. f. 63. & Lib. XIV. f. 147. But I have not had the Opportunity of examining this Paper.

† Archbishop Laud says (out

of the MSS. Acts) that it was divided into Three Articles, which were Proposed and Voted severally, (Trye and Troub. p. 81.) And if so, the Recital of the Submission in that Act cannot be *Literal*: For there is no Distinction of Articles in it.

The Words then of the Clergy's Submission, which are in the Preamble of the Act, and have hitherto been the Subject of our enquiry, plainly

plainly amount to no more than this; Either, (1<sup>st</sup>) that they will not, as Private Persons look upon, or make Use of any Canons as obliging, but such only as, upon a Review, shall have the Stamp of Royal Authority given to them: Or (2<sup>dly</sup>) that in their Publick Capacity, they will not Enact or Publish any such Canons for the future, without the same Royal Assent and Approbation.

And that this was all their Promise meant, is no new Opinion, but the sense of Archbishop Parker, who understood these things as well as any Man: He in *Antiqu. Eccles. Britann.* (A Book compos'd under his Direction) gives this account of it, *Totus in Synodo Clerus in Verbo Sacerdotii fidei dedit, ne ullas deinceps in Synodo ferrent Ecclesiasticas Leges, nisi & Synodus Authoritate Regis Congregata, & Constitutiones in Synodo Publicate eadem Authoritate Ratæ essent* \*. And in this Exposition he is constant; for agen in another place he thus expresses himself, *Postquam Clerus in Verbo Sacerdotii Henrico Regi promississent, sine Authoritate Regis in Synodo se nihil Decreturæ* †. With this agrees my Lord Herbert's Abstract of the Submission, by which, he says, they promis'd his Majesty, that they would not Make or Alledge any New Canons, without his Highness's Assent, and Licence \*. And agen, more clearly, they promis'd for the future to make no Constitution, nor execute any without the King's Leave †, i. e. to make no New ones, and to Execute, or Alledge, neither New nor Old ones. To the same Purpose, my Lord of Sarum; They promis'd in Verbo Sacerdotii, that they would never Make nor Execute any New Canons or Constitutions, without the Royal Assent to them †; and before this, p. H 3.

\* P. 326.

† P. 339.

\* Life of

H. 8. p.

399.

† Ibid.

P. 349.

.. Vol. 1.

P. 147.



of the same Volume, *They promised for the future not to Make nor Execute any Constitution without the King's License.* None of these Writers, it is clear, thought the Clergy restrain'd by their Submission from any Debates, or Resolutions, which were previous to the Establishing a Canon; for otherwise they would not, in their accounts of it, have omitted this Particular, which was above all others to be taken notice of: And none of 'em therefore, we may be sure, took the word *Make* in any other sense than to *Enact*; or thought the word *Attempt* applicable to any but the Old Unauthoriz'd Canons.

And the Judgment of these Persons is the more to be depended on, because the First of 'em liv'd at the time of the Submission, and must be well acquainted with the sense then given of it; the Second was a Lay-man, and one who was thought to have but little regard for the Priesthood; and the Third, tho' of the Clergy, yet is observ'd throughout his Works, wherever the Interest of the Order is concern'd, to be under no degree of Partiality towards them.

More Authorities of this kind might be given, if either these were not sufficient, or the stress of the Point lay upon the way of wording the *Submission*; which it does not, but on the Terms us'd in that part of the *Statute*, where the *Submission* is Enacted; and this we now come to consider.

For after the *Submission* and *Petition* of the Clergy are thus recited in the *Statute*, it proceeds to Enact, that "They, ne any of them from henceforth shall presume to attempt, allege, claim, or put in Ure any Constitutions,



" tions, or Ordinances Provincial, or Synodals,  
 " or any other Canons : Nor shall Enact, Pro-  
 " mulge, or Execute any such Canons, Con-  
 " stitutions, or Ordinances Provincial, by  
 " whatsoever name or names they may be call'd  
 " in their Convocations in Times coming, un-  
 " less they may have the King's most Royal  
 " Assent and License to Make, Promulge, and  
 " Execute the same.

Now whatever Ambiguity there may seem to be in the words *Attempt*, and *Make*, as they lye in the Recital of the Submission, yet here in the Body of the Statute it self it is perfectly clear'd. For

1. The words [*Attempt*, *Alledge*, *Claim*, and *put in Ure*] are here manifestly divided from those [*Enact*, *Promulge* and *Execute*] and make a Distinct Member of the Period, having Substantives of their own, [*Constitutions*, *Ordinances*, &c.] which they govern, and in which their signification is determin'd.

2. These words are plainly us'd to Enact the *Position* of the Clergy, which prays a Suspension of the Force of the Old Canons; and by these words, and these alone (as I have shewn) the force of those Canons is suspended: and therefore to *attempt*, as well as to *alledge*, *claim*, and *put in*, are must be understood of Canons, as *already made*; and not of Canons, as [*in fieri*, or] *making*. And if so, then

3. The Exception afterwards made, [*Unless the said Clergy may have the King's most Royal Assent and License to Make, Promulge, and Execute*] can no ways refer to their Attempting, Alledging, Claiming, or putting in Ure: for a License to be had in order to *make* Canons, cannot possibly affect words that are us'd only of Canons *already made*. And therefore,

4. That

4. That Exception belongs purely to the words immediately foregoing, by which they are forbid to *Enact*, *Promulge*, or *Execute*: Two of the words of this Prohibition [*Promulge*, and *Execute*.] being repeated in the Exception annex'd; and the Third [*Enact*.] being express'd by *Make*, a word of the same force and value.

Whatever sense then the *Submission* (made in those difficult Times, and under so great a Terror\*) may be drawn to import by the Ambiguous Relation of the word *Attempt*, as it now stands there; yet the Parliament, it is plain, would take it, and accordingly Enacted it, in

on a Convocation, insults the Learned Mr. Hill on this head, who had represented the Convocation which submitted, as then under the Edge of a Premunire. But this (says he) is a Great Blunder: for the Premunire was off at least three years before, and releas'd by Act of Parliament in the 22 H. 8. the Convocation-Act being not till the 25th. (p. 8.) It seems, this Gentleman knows not (what one would have thought every body knew) that the Clergy made their Submission some years before it was Enacted by Parliament, and then the Premunire hung over them: yet, as unacquainted as he is with things of this nature, ventures at Random to bestow his Rude Language on the suppos'd Mistake of another Man. Under so great a Degree of Ignorance, a little more Modesty had become him.

My Lord of Sarum's Expressions, I suppose, misled him; which (in the Year 1534.) are, "As the Parliament was going on with these good Laws, there came a Submission from the Clergy when sitting in Convocation, to be pass'd in Parliament, (p. 147.) But this is one of those Nods that Great Men in Long Works are subject to: for his Lordship p. 113. of that Work seems to have soon known that the Submission was made by the Convocation in 1531 &c. 2, however he came to forget it here, unless please the Rise of it two Years lower. But whether his Lordship were aware of this, or not, it is certain the Submission was so much Older than the Act; as appears by the Journal of the Convocation that fram'd it still remaining (so his Lordship (Ib. p. 147.) complains that it is lost; and excuses himself on this account for not being able to inform his Readers, what Opposition it met with from the Clergy, e'er it pass'd. I have seen the Journal of that Synod, it is not so large indeed as those Records of Convocation which Heylin saw, (Reformat. justified, Set. 2.) and wherein, he says, the whole Debate with all the Traverses and Emergent Difficulties which appear'd therein are specify'd at large: However, it is particular enough to seem

with

with what Difficulty, and by what steps the Clergy were drawn into a Compliance, and how Threatning Messengers were sent 'em by the King before they could be brought to it: And I have already, from another Manuscript, promised the Reader the several Forms of Submission which they drew up, one after another; but could not get accepted. There is no Reason therefore so complaisant of words of Light in this case; for perhaps there is scarce any one thing done in any of H. the 8th's Convocations, of which we have a clearer and fuller account than of the Opposition which the Court-Form of Submission met with from the Clergy, before they came up to it. From the Inferior Clergy, I mean: for it does not appear that the Prelates were so very hard to be dealt with. On the contrary, it is said in the Acts, that but one Bishop (and not one Abbot or Prior) disagreed to it: but of the Lower Clergy 18, or 19 Voted against it to the very last; and 7. or 8. refused, that is, Voted neither against it, nor for it. See Troub. & Try. of Land. p. 31.

no other sense than I have given of it; distinctly severing it in the Body of the Act, from all those words that have any respect to the Making of a Canon, and confining it to that Branch of the Sentence, which suspends all the Old Canons already made. Then comes the other Branch, which prescribes the Method of making new ones; and forbids the Clergy to Enact, Promulge, or Execute any without the King's Assent: leaving them in the mean time to their Old Methods of Proposing and Deliberating; and reducing their Power only to the same Level with that of Parliaments: over which they had before great and sensible advantages; in as much as they Enacted Canons by their own Authority, without the Royal Concurrence; and in Synods oftentimes, which met without a Royal Summons.

This, I question not, is the true and genuine Exposition of the Act; and this being the very Hinge on which the Second Article of the Dispute turns, I thought my self oblig'd to consider it with a very particular care, and to secure it, if possible, against all Exceptions. I hope, I have done so; and that the Reader is, by this

time fully satisfy'd, that no Restraint is laid by it upon any Convocational A<sup>c</sup> of the Clergy, previous to the *passing a Canon*; but that they have still as much Liberty to *Treat, Debate, and Conclude* (so they do not *Enact, Promulge, and Execute*) since this Statute, as ever they had before it. Sure I am, that it has been thus understood all along by those who may be presum'd to be best acquainted with its meaning; such as *Poulton*, and *Rastal* were: The one, in his *Abridgement*, puts this Title before the A<sup>c</sup>, "*That the Clergy in their Convocations shall Enact no Constitutions without the King's Assent*": The other, in his *Repertory*, at the End of the Statutes, makes this to be the Purport of it, "*That the Clergy in their Convocations shall Enact nothing unless they have the King's Assent and License*": Neither of 'em were aware, it seems, that their Liberty of Debate was cut off by it.

My Lord Herbert took it just as they did, for his short Summary of it is, *that in Convocations nothing shall be Promulg'd and Executed without the King's Leave* \*.

Mr. Fox was of the same mind; for thus he abridges it, *That the Clergy shall not hereafter presume to assemble in their Convocation, without the King's Writ, or to Enact or Execute Constitutions without his Royal Assent* †.

Bishop Godwyn does not differ in his account of it, which is, *In prædicto p<sup>re</sup>dicto Parlamento decretum est de abroganda Synodi Auctoritate in Canonibus Ecclesiasticis condendis, nisi quatenus Rex eos ratos habuisset* \*.

*Francis Mason*, the Eminent Defender of our Orders, represents it after the very same manner in a small Piece of his about the *Authority of*

\* P. 399.

† Vol. 2.  
P. 330.

\* Annal.  
ad Ann.  
1534.

the Church in making Canons and Constitutions concerning things Indifferent: There he says, It is Enacted by the Authority of Parliament, that the Convocation shall be assembled always by virtue of the King's Writ, and that their Canons shall not be put in Execution unless they be approv'd by the Royal Assent †.

† P. 15.

Nor had the Enemies of the Church any other Opinion in this matter than its Friends: witness what the same Author in his Great Work mentions, as the sense of the whole Body of the Puritans: *Ostendunt Puritani, sub finem sui Examinis, Canones prorsus nullos vigere aut valere in Angliâ, qui Regio Calculo ac Sigillo non sunt muniti* \*.

\* Fitz-Simon apud Masonum de Ministr. Angl. p. 21.

And thus speaks one of them, in a Treatise of Oaths exacted by Ordinaries, &c. and He no inconsiderable Writer: It is Enacted, he says, and Provided, that no Constitutions or Ordinances should be made, or put in Execution within this Realm, until, &c. †.

† P. 54.

Nay thus speaks Mr. Bagshaw himself in his famous Argument concerning the Canons; where we may be sure he says nothing more to the advantage of the Clergy than he needs must; and yet he represents the Act to be only, that to the making of Canons there must be the King's Royal Assent \*. And when he is to produce the words of the Statute, by which the Clergy have power to make Canons, he says they are; That they shall not Enact, Promulge, or Execute any Canons or Constitutions, &c. unless they may have the King's most Royal Assent to Make, Promulge, and Execute the same †. But as to Attempting, Alledging, Claiming, and putting in Ure, he never dreamt that These were in the Act apply'd, or were applicable to this purpose; and therefore does not mention them.

\* P. 12.

† Ibid.

In-

Intruth he was a Lawyer, and a Man of Skill in his Profession, and so knew very well, that in the Omission of these words, as having no reference to the Clergy's Power of making Canons, he only trac'd the steps of the King's Commissions to the Convocations in 1603, and 1640.

\* P. 285,  
290.

One of these is Printed at length in the \* *Bibliotheca Regia*; and there, All of the 25 H. 8. which relates to the Clergy's Power in Making Canons is inserted at large; and (which is very remarkable) those words [*Attempt, Allodge, Claim, and put in Ure*] are not recited: A sure sign, that the Attorney-Generals of those times (those Times had Attorney-Generals, that had both Skill, and Will enough to carry the King's Prerogative as high as it would bear) did not think, that they could colourably be made use of to this purpose; or that the Clergy were debarr'd by this Act from attempting New Canons, to be made hereafter, but such Old ones only as had been long ago pass'd and publish'd. Dr. Wake therefore is Disingenuous in the Highest Degree, where † he pretends to Print this very Commission; and when he comes to the Act of Parliament, which it recites, does not transcribe the Act as it is there recited (which is in part only) but refers us to his *Extract* of it, Num. IV. and assures us, that it is recited in the Commission, as in the *Extract, Verbatim*; tho' the most Material words in his *Extract*, and such as would be most Conclusive upon the Clergy's Convocational Acts and Debates, if they really belong'd to 'em, are, as I have shewn, designedly omitted in that Recital. Such poor shifts is he forc'd to, to maintain a Bad Cause; which however, even by these Ill Arts, cannot be maintain'd.

† Append.  
Num. V.  
P. 371.

The



The Proof drawn from these *Commissions* is further confirm'd by a *Proclamation* of K. Charles the First in June 1644\*, which forbids the *Assembly of Divines* to Meet and Act upon these, and these *Accounts* only; "Because by the *Laws of the Kingdom*, no Synod or Convocation of the Clergy ought to be called and assembled within this Realm, but by Authority of the King's Writ; and no Constitution, or Ordinance Provincial, or Synodal, or any other Canons may be Made, Enacted, Promulg'd, or Executed, [it says not *Assembled*, *Alleg'd*, *Claim'd*, or put in Use; which were words known to belong to Canons already made]; "Unless with the King's Royal Assent and License first obtain'd: upon pain of every one of the Clergy's doing contrary, and being thereof convict, to suffer Imprisonment, and make Fine at the King's Will, as by the Statute of the 1<sup>st</sup> H. 8. declaring and enacting the same it doth and may appear.

\* See it  
Biblioth.  
Reg. pag.  
331.

Let me add to all these the Authority of the Convocation it self; which set out the *Institution of a Christian Man* a few years after they had submitted. In the Dedication of that Book the Prelates address the King after this manner, "Without your Majesty's Power and License, we acknowledg and confess that we have none Authority either to assemble together for any pretence or purpose, or to publish any thing that might by us be agreed on, or compil'd. Which words evidently imply a power of agreeing upon, and compiling; (tho' they deny that of publishing) any Determination, or Doctrine.



It were endless after this to argue from the *silence* of the Authors of those times ; for then I must vouch All of them. Only the *Reformatio Legum Ecclesiasticarum*, being a Book of Great Note, which was drawn up by Commissioners appointed by the King, and where no Occasion is neglected of setting out, and magnifying the Royal Power ; it may be worth our while to observe, that there is not however in all that Book, as far as I can find, one Expression, that implies the Composers of it to have thought, that the Clergy's *Synodical Debates* lay under any Restraint from the Crown ; which is a very strong Presumption that they did not think the Clergy to lye under any.

P. 289.

The Reader will forgive me for laying together this Great Heap of Authorities, if he either considers, of how great Importance it is to my Cause, that the sense I have given of the Act should be fully clear'd ; or how necessary Dr. Wake has made such a Collection, by affirming, that this sense of it *was never allow'd of, or, for ought he knows so much as heard of,* (I repeat his very words) *till the Gentleman against whom he writes enlighten'd the world with it.* The Accounts I have given do, I hope, both sufficiently expose the Rashness and Vanity of this Assertion, and also sufficiently prove the Truth and Justness of that Exposition. To return to it therefore-----

The Statute (as far as it relates to the Power of the Clergy in Convocation) plainly implies no more than that Canons should not from thenceforth pass, and become Obligatory, without the King's Leave and Authority given in that behalf ; without his *Leave*, which was requisite

quisite to their Passing, and his *Authority*, which was afterwards to ratifie, and give 'em force. And to understand the words of the Law otherwise is, as has appear'd, to understand them against all Propriety, and the Rules of Construction; and which is still more unreasonable, to do this in *Materia minus favorabili*, and where Ordinary Liberty is abridg'd; and lastly, which is intolerable, where so grievous a Penalty as that of a *Præmunire* is to follow.

The 25 of H. 8. then has not in the least alter'd the Law of Convocations, in relation to any of the Powers or Priviledges of the *Inferior Clergy*: They can still freely Consult, and Debate, Petition, or Represent, propose the Matter or Form of New Canons, and consider about the Inforcing or Abrogating old ones; in a word, act in all Instances, and to all Degrees, as they could before the passing of that Statute. Indeed my Lord Archbishop's hands are ty'd by it; for he cannot now call a Convocation without the King's Writ, which before this Act he might, and in Elder Times frequently did: He cannot now Enact and Constitute any thing by his own Authority, as in Imitation of the Papal Power in Councils, and of the Royal Power in Parliaments, it was usual for him to do: He must, before he passes any Act of the Two Houses, have the King's *Assent* to it; and after it is pass'd, there must be the King's *License* also to Promulge and Execute it. In these several Respects the Metropolitan's Authority is considerably lessen'd by this Act; the Exercise of which is now chiefly seen in *Moderating the Debates of the Synod, and giving his Vote last upon*

\* Ejus est  
moderari  
Synodum,  
& ultimo  
Suffragi-  
um ferre.  
Tab. 3.

any Question propos'd there ; as Dr. Cousins (Dean of the Arches to his Grace that then was) does in his Tables express it \*. But the Powers and Priviledges of All the other Members of Convocation continue whole and entire to 'em, notwithstanding this Statute ; and were so understood to continue for a long time after it pass'd : the Methods of proceeding in Convocation continuing the same for near Threescore and ten years after the Act, as they had been before it ; the Clergy going on still to propose, deliberate, and resolve as they had been us'd to do, without Qualifying themselves for it by any Precedent License under the Broad Seal ; the King, the Parliament, and People of the Realm allowing 'em so to do, without opposing this Method as Illegal, questioning it in the least, or calling 'em to an account for it. Indeed the Doubtful Wording of the Act might possibly give the Clergy some Alarm at first, and put them under Apprehensions that their Liberty of Debate was abridg'd by it ; or at least that it might be constru'd so to be by Those who in those Distressing Times were willing enough to take any Advantage of them. But their Scruples (if they had any) clear'd up in a little time, and their Fears vanish'd ; and they afterwards fell to business with the same freedom, and under as little Restraint (for ought appears to the contrary) as any of their Predecessors had done before the Act of Submission. And thus the matter stood till the very End of Queen Elizabeth's Reign : there being no Instance, I believe, to be given of a Formal Commission to Treat and Debate, Older than the Convocation of 1603,

in

in the first of King *James* ; which shall hereafter be accounted for.

In the mean time, we will suppose the utmost, that can by the severest Interpretation of the Act, be pretended ; that the Clergy are by it cut off from forming the Draught of a Canon, or even deliberating about one, without being particularly impower'd to that purpose ; yet are they still in several Inferior Instances of Acting left perfectly free. It is not to be doubted but that, notwithstanding the Act, they may by an Humble Representation lay before my Lords the Bishops, the King, or his Great Council, any Growing Inconveniences and Disorders in the Church, any Dangerous Errors that may happen to arise and spread in their time, any Outragious Excess of Vice and Impiety which they shall observe to prevail : and having made their Representations, they may venture to add their Requests for the Prevention or Suppression of such Disorders, Vices, and Errors ; and even to point out the Methods of doing it. If they cannot move a step towards framing New Canons, yet at least they may interpose in behalf of the Old ones, and pray, that they may be vigorously Executed, and duly observ'd. In a word, whatever Hardships or Grievances they may lye under from their Ecclesiastical or Civil Superiors (as 'tis possible for 'em to suffer from either) they have in Convocation a Right, and an Opportunity to declare 'em. These Complaints it was heretofore their Custom to put up together with their Subsidies ; and coming in such good Company therefore, they were for the most part favourably heard. Now they

H ; have

have left off to Tax themselves, they must no longer draw Occasions of Relief, from the Wants of the Crown, but from the Goodness and Justice of Him that wears it. It will be for the Honour of a Reign, founded in the Liberties of the People, and secur'd by maintaining 'em, to suffer All Bodies of Men to enjoy their Rights, tho' they give nothing for it: Nor will it be any Reflection upon our most Excellent Prince, if the World shall see, that the Advice of so considerable a part of his Subjects as the Clergy are, may be welcome to him, even without their Subsidies.

It is the Opinion of some Men, that that Mystery of Iniquity, *Poper*y, is now at work, and carrying on among us in a very dangerous manner; and it is their Fear, lest that which could never succeed, when it appear'd barefac'd, should prevail by making secret and unperceiv'd Advances upon us; whether their Fears are just, or no, I shall not determine: but would it not be fit that the Clergy should be left to their wonted Liberty of Assembling; that upon any such dangerous conjuncture, they might join their Councils, Endeavours, and Requests, to give a stop to the Growing Mischief? and by a Due Representation of the Danger grounded on the sure Accounts that shall be brought to the Convocation by the several Members of it resorting thither from All parts of the Kingdom, excite the Civil Magistrate into a Degree of Care and Concern proportionable to the Danger?

But should the Clergy have no Representations, no Complaints to make to the King and Parliament, yet They themselves may be complain'd

plain'd of to either: and it is fit they should be ready to give answer to such Complaints. All other Bodies and Communities of Men, if any thing be mov'd in Parliament to their Prejudice, can immediately Assemble and Confer together, and lay before their Superiors the Consequences of it, as far as their Particular Interests are concern'd: The Clergy alone have no such Liberty or Opportunity, if their Parliamentary Assemblies are not observ'd; and are in this respect therefore in a worse condition than the Pettiest Company or Corporation in the Kingdom.

'Tis true, my Lords the Bishops are at hand always, to interpose in their behalf: but as they are no standing Committee of Convocation, upon whom the Care of the Clergy's Interest in Parliament has at any time been devolv'd; so neither is it proper, that it should be altogether lodg'd in their Hands; which are too full of other Business, to be able alone to discharge this to the best Advantage. As quick-sighted as their Lordships may be to discern, and as Fatherly a Concern as they may have to remedy the Grievances of the Inferior Clergy; yet it is not to be expected, that they should either understand 'em so well, or represent 'em so fully, or interpose so heartily for their Redress, as those who feel 'em. Mens Interests have been ever best taken care of by such as were most immediately concern'd in 'em. Their Lordships, doubtless, want no Zeal for the Good of the Church, and of every the smallest Member of it. But in Men of their Age and Experience such Zeal is ever temper'd with great Caution, and manag'd

with nice Regards to the Probability of Success, and to the Passions, and Prejudices, and Various Interests of Men. Now these Restraints might, it is hop'd, in some measure be taken off, and their Lordships encourag'd into a Reasonable Prospect of succeeding in any Proposal they had to offer on our Behalf, if they were back'd in it by the Joint Advice and Endeavours of the Clergy of the Province assembled. And as their Caution in Interposing would in this case it is likely be less, so would their Interposition it self perhaps be of somewhat greater Weight and Influence; especially in Times, when their Lordships Actions may lye under any Prejudices, and their Characters be misunderstood. At such Seasons, they will have enough to do, to support and promote their Own Interests; and will not be able (however willing they may be) to stand in the Breach, and be a Screen to their Inferiors.

Besides, their Lordships Good Offices are confin'd to the Upper House, nor can They take notice of any Parliamentary Matter, till it comes regularly before 'em there: whereas the Clergy, as well as all other Bodies of Men, ought to have the Priviledge of an Early Address to the *House of Commons*, where so many Bills of Importance begin, that nothing may pass there to their Disadvantage, without being oppos'd, or understood; since That it self would be a Misfortune to 'em, tho' they were fure to have it quash'd elsewhere.

The Bishops Interest, Authority, Eloquence, is, no doubt, sufficient to plead the Churches Cause, and secure her Interests in the House  
of



of Lords ; where all the Noble Members are under so favourable a Disposition towards Her, that they would certainly do Her Justice, tho' they were sollicitated by less Powerful Advocates : However, the *Commons Spiritual* think it very Proper and Reasonable, that they should in these Cases have a Recourse to the *Commons Temporal* ; whose Interests in the State running parallel with Theirs in the Church, and being nearly link'd with them, seem mightily to encourage such an Application ; and to make it a Point of Prudence, as well as Duty, in the Clergy to practise it, where it may be had.

The *Commons* have a considerable Interest in the Lesser Clergy, by reason of their *Patronage* ; They are their Protectors, and Guardians appointed by Law in relation to one part of their Maintenance ; and will be extremely tender therefore of all their other Civil or Ecclesiastical Rights, and careful to cover them from any Attempts that shall be made upon their Privileges : That so they may be in Heart, and at Hand always, to stand up with them in behalf of Liberty, when it shall be attack'd, and to resist a Growing Tyranny either in Church or State, as it may happen. For Arbitrary Government is a Spreading and Contagious Thing ; and when once it is set up any where, there is no knowing where it will end.

My Lords the Bishops therefore must excuse us, it, as great a Reverence as we bear to their Characters, and as high an Esteem as we have of their Personal Qualifications, their Integrity, Capacity, Courage ; yet we think it fit, that other Helps should be call'd in (since  
All

All Helps are but little enough) to support the sinking Interests of Religion, and the Clergy ; and judge the Great Concerns of the Church no where so secure, as, where the Wisdom of our Constitution has lodg'd 'em, in the Hands of a Convocation of the Province. *We know the Enemies of the Church sleep not, tho' the Watchmen sleep too often* — are the words of one, once an Active Presbyter of this Church, now a Vigilant Prelate \*. We cannot, God be thanked, apply 'em to the Present Bench of Bishops ; and would not, if we could, unless in a Case of the Utmost Necessity ; because nothing less than that would justify such a freedom in Meaner Authors. However Times may come, that will deserve such Language ; but when, if the *Provincial Assemblies* of the Church be, together with its *Watchmen, laid asleep*, it will be too late to use it.

\* Dr. Burnet's Fast-Sermon before the House of Commons. Anno 1681. p. 25.

7

The Right Reverend Author of that Discourse (who should understand the Frame of our Church well, having written the History of it) observes, that *it is happily Constituted between the Extremes of Ecclesiastical Tyranny on the one Hand, and Enthusiastical Principles on the other Hand* †. It is so ; and the Happiness of this Constitution, in relation to one of these Extremes, lyes in the Interest which the Lower Clergy have in *Convocation* ; where they are associated with their Lordships in the Care and Government of the Church : Whereas out of Convocation, they are not, I think, advis'd with ; and have little else to do, but to observe Orders : The Diocesan Synods of our Church being not for Counsel now, but for the Exercise of the Episcopal Authority.

This

† Ibid. p. 9.

This Happy Frame therefore should by all means be kept up ; and the rather, because it suits very happily with that of the State, and with the Constitution of Parliaments. And it is highly expedient for every Church and State, that the Ecclesiastical Polity should be adapted to the Civil, as nearly as is consistent with the Original Plan of Church-Government ; which, in our Case, there will be no danger of departing from, by a Compliance with the State-Modell : For I am sure, and am ready, when ever I am call'd upon, particularly to prove, that the more our Church shall resemble the State, in her Temper and Manner of Government, the nearer still will she approach to Primitive Practice ; and the nearer she comes up to Both these, the more likely will she be to Endure and Flourish.

What the same Eminent Pen has said on this Occasion, I willingly subscribe to ; That  
 " as in Civil Government, a Prince govern-  
 " ing by Law, and having high Prerogatives,  
 " by which he may do all the Good he has a  
 " mind to, which yet he cannot abuse to act  
 " against the Law, and who is oblig'd often  
 " to consult with his People in what relates  
 " to common safety ; by whose Assistance he  
 " must be enabled to put in Execution the  
 " Good Things he designs ; is certainly the  
 " best Expedient for preventing the Two Ex-  
 " tremes in Civil Society, Confusion and  
 " Slavery : So a Bishop that shall have the  
 " Chief Inspection over those whom he is to  
 " Ordain, and over the Labours of those  
 " already plac'd ; whom he shall direct and  
 " assist in every thing ; and *who governs him-*  
 " *self*

" self by the Rules of the Primitive Church, and  
 " by the Advice of his Brethren, is the likeliest  
 " Instrument both for propagating, and pre-  
 \* Pref. to the Hist. of the Regal. serving the Christian Religion \*. I add,  
 and for the keeping up of this Particular  
 Church in some Degree of Repute and Au-  
 thority; which have ever been best secur'd to  
 it, when her Prime Pastors have met their  
 Clergy often in Synod, and by their Advice  
 and Assistance manag'd the Great Affairs of  
 it.

But if that be thought too much, and found  
 too high for the Lower Orders to pretend to;  
 who must be contented rather to be the Sub-  
 jects of Ecclesiastical Government, than any  
 Sharers in it; yet even Subjects themselves  
 may *Petition*, and make known whatever Grievances,  
 or Requests they have to offer, with-  
 out Encroachment on any of their Superiors.  
 And that the Liberty of such Addresses and  
 Representations is still left to the Convocation,  
 (to the Lower House alone, or to Both joynt-  
 ly) I have fully shew'd: The Statute of Sub-  
 mission, even under the most Rigorous Inter-  
 pretation of it, being scarce pretended to a-  
 bridge their Priviledges in this respect. And  
 because Practice in this kind is the best Proof,  
 I shall here add a few Instances of it.

In the Convocation of 1542 (33 Hen.8.) the  
*Acts* say, that at the passing of the Subsidy,  
*Clerus exposuit 4. Petitiones* [to the Upper House,  
 who when they presented the Subsidy, were  
 to acquaint the King with them] 1. *De Legi-  
 bus Ecclesiasticis condendis.* 2. *De Conjugiis factis in  
 Bethlehem abolendis.* 3. *De venenudis — Bene-  
 ficiis.* 4. *De Decimis solvendis.* A<sup>d</sup> MSS. Sess. 20.

The

The Two Petitions in the first Convocation of E. 6. (See 'em in Bishop Burnet's Hist. Vol. I. p. 118.) Collect. of Records, whatever force they may have to prove a *Licence* necessary on other Occasions (which shall hereafter be fully consider'd) do yet certainly prove it not necessary in order to Petition.

There are many Requests of the Clergy in Convocation to *Queen Elizabeth*.

One Anno 1580, in behalf of the Archbishop, then out of favour, that she would be pleas'd to restore him. Fuller. IX. Book, p. 121.

Another Anno 1587, about the Act said to be intended against *Pluralities*. Full. Ibid. pag. 191.

A third to the same purpose, in some other Convocation of her Reign; which being yet unprinted, I shall insert in the *Appendix* \*. It is a Paper very Remarkable both for the weightiness of the Matter, and closeness of the Expression; and for the spirit and freedom with which it is drawn: which however I propose not as a Pattern; but as a Great Argument of that Liberty they thought remaining to them.

\* Numb. IV.

A fourth from the Lower to the Upper House of Convocation, to be presented in their Name, to the Queen for the Pardon of *Lapses and Irregularities*. 'Tis in a Cotton MS. Cleop. F. 2. f. 123. and from thence I shall Transcribe it.

See App. Num. F.

A fifth against the Encroachments of Chancellors upon Archdeacons. Ibid. p. 264.

A sixth praying many Regulations in very weighty matters. Ibid.

There

\* IX. Book,  
p. 55.  
See the  
Preface to  
it, p. 66. of  
this Book.

There is also extant in Fuller\* a *Remonstrance*, of the Clergy of the Lower House, being a Declaration of their Judgments, made indeed in the very beginning of Queen Elizabeth, when this Statute was not yet revived, and about Popish Tenets; but which may, I presume, be safely imitated for the Assertion of truly Catholick Doctrines.

Anno 1606, A Petition from the Lower House of Convocation to King James, against *Prohibitions*. This too the Reader will find with the others in the *Appendix* †.

† Numb.  
VI.

|| See it  
Rushw. 3.  
part, Vol. 2.  
p. 328.

Nay, even the *Assembly of Divines* it self, tho' it was more strictly ty'd up by the *Ordinance of Parliament* ||, than ever any Convocation was by their Commission (for there were *Negative* words in that Ordinance, which impower'd 'em to Treat and Confer of such Matters and Things as should be propos'd to 'em, and no other) yet did not think themselves restrain'd from *Petitioning*, and proposing several Heads of Reformation to the Parliament. See 'em, *Ibid.* p. 344.

The Clergy in Convocation were not us'd only to be Petitioners themselves, they were also some times address'd to in the same way by others; either by their Brethren of the *Establish'd Clergy*, or by those of the *Separation*.

\* See Cat.  
MSS. in  
Bibl. Bodl.  
n. 8494.

Of the former I have seen an Instance in Manuscript, being a *Petition from the London-Ministers* \*. The Direction of it is, *To the Reverend Fathers in God the Lords Bishops, and the Rest of the Convocation*. It is said in the Manuscript,

to

to have been read and committed, Febr. 10. 1580.

Of the Latter several Mentions, and Accounts remain, tho' the Petitions themselves be lost. For Example,

In Queen Elizabeth's time those who were then call'd the *Puritans*, Petition'd the Convocation, as appears from a Passage in one of their Books, thus quoted by Bishop Bancroft \*,  
*We have sought, say they, to advance the Cause of God by Humble Suit to the Parliament, by Supplication to your Convocation-house, &c.*

\* *Ding.*  
*Posit. L. 4.*  
*c. 4. p. 140.*

And whether it be this, or some other Petition of theirs that is refer'd to in a Manuscript Justification † of the *Mille-manus* Petition to King James, I cannot tell; but these words occur in it, — We have often and in many *Treatises declar'd*, [our Objections against the Liturgy] at large, and namely in a Petition, which Four Godly, Grave, and Learned Preachers offer'd in our Names to the Convocation-house.

† See Cat.  
*MSS. in*  
*Bibl. Bodl.*  
*n. 1987.*

A yet greater Liberty than any I have mention'd was taken by the Clergy in that Long Address [miscalled by Fuller || the *Protestation*] which the Lower House offered to Henry the Eighth himself, after the passing of the Statute; or in that other very long one to the Upper House in Queen Mary's time \*. In the first we have an Instance of very Free Convocational Representations, and of yet freer Petitions in the Latter; for it attempts not only Canons, but Acts of Parliament; and particularly prays †, that the Statute of which we have been speaking, may be repealed.

|| P. 208.

\* *Hist. Ref.*  
*part 2. B. 2.*  
*Coll. n. 16.*

† Art. 10.

But



But the Clergy no more stand in need of these Instances, than they would joyn in these Designs and Petitions. The Statute of Submission is none of their Grievances, nor do they ask, or wish a Repeal of it : They desire only that it may not have an Unnatural and Illegal Construction put upon it ; and that they may be bound up no otherwise by it, than the Submitters themselves were. They know indeed, that the Reflection which a Right Reverend Member of theirs once made upon this Statute was, That " the Extreme of raising the Ecclesiastical Power too high in the Times of Popery, had now produced another of depressing it too much : So seldom is the Counterpoize so justly Ballanced, that Extremes " are reduced to a well-tempered Mediocrity \*. But as they are not sure that this is his Lordship's present Opinion, so they are certain it is none of theirs : for they think their Power as Great as it need to be, if it be not made less than it really is. Had they lived indeed in Henry the Eighth's time, they should not perhaps have humoured his Imperious Temper so far, as to have made that mean Submission, or tamely to have given up any one Legal Privilege, which belonged to the Body, and was not inconsistent with the Good of their Country. But since it was made, and Enacted, they know how, like Good *Englishmen*, and Good Subjects, chearfully to obey it. Only they can never submit to such a sense of the Submission as was never intended, nor throughout that Age, wherein it was made, ever practised. This would be a much meaner part in them, than the first Act was in their Ancestors : whose

\* *Bishop  
Burnet's  
Hist. Vol. 2.  
pp. 49, 50.*

whose Religion was all Submission and Slavery; and it is no wonder therefore that the Fetters prepar'd for them sat so easily upon them. But in a Protestant Clergy, the profess'd Assertors of the Just Freedoms and Rights of Mankind in Religious affairs, and who have been more than once Instrumental in shaking off Yokes of every kind from the Necks of *Englishmen*, such Illegal Compliances would be inexcusable. In short, they have, and they own that they have, great reason to be content with the Priviledges which the Law has clearly marked out to them; and the Great *Petition* they have to offer is, that they may be permitted to enjoy them. If their Predecessors were struck with a Panick Fear, at the very sound of a *Premunire*, in a Reign when the Laity too trembled at the Noise of Thunder from Above; yet their Present Successors may not be e'er the less Dutiful, tho' they are not quite so much frighted: as having the happiness to live in a Time when the Priviledges and Rights of the *English* Subject are more clearly understood, and much better secured.

Upon the whole then it appears,

That the Clergy Commoners have all along had an undoubted Right of being frequently assembled, and particularly by the Law of *England*, as often as a New Parliament is call'd.

That being assembled, they had antiently a Right of framing Canons, and doing several Synodical Acts (not inconsistent with the Law of their Country) without expecting the Prince's Leave for entering on such Debates, or making such Decrees.

I

That

That the 25 H. 8. c. 19. has not in the least infringed this Right, as far as the Lower Clergy are concerned in it.

That the Limitations there made to the Exercise of it chiefly concern the Archbishop of either Province, who is now restrain'd, as from calling a Convocation without the King's Writ, so from Passing or Ratifying any Canon without the Royal License, and from Promulgating the same by his Own Authority.

That the Inferior Clergy are no otherwise concerned, than to take care that they give their Consent to no Canon fram'd by themselves, or sent from the Upper House, otherwise than with Submission to the Royal Pleasure; if the King's License and Assent be not before obtained.

That they are left therefore intirely at their Liberty to Confer and Deliberate even about New Canons; and also to Devise, Frame, and Offer them to the Upper House; if with a Protestation annexed, that they are neither intended nor desir'd to be enacted without the King's License.

Much more, that there remains to 'em a Liberty of Petitioning, either that Old Canons may be executed, or New Ones made according to Law, and to such Purposes as the Petitioners shall suggest; or of representing their Humble Opinions concerning the Affairs of the Church, and of Religion; and, if need be, beseeching a Redress, at least in General Terms.

This, I take it, is their Undoubted Privilege, and would be used by them on Great Occasions, with the same Prudence and Temper

per that their Predecessors are known to have practised ; who, when they met without Interruption, were so cautious of giving no unnecessary Trouble either to Church or State, that they were more complained of, in some Reigns, for sitting still, than for stirring.

By this time the Reader sees, that the Reason given for the Clergy's not Meeting, because, when met, and formed into a Body, *they can do nothing*, is a strange one. For, supposing 'em to be tyed up never so strictly in their Decreeing Capacity, yet surely it does not follow, that they can *do nothing*, because they cannot *Make* or *Attempt* a Canon. Is it *nothing* to speak the sense of the whole Clergy of the Kingdom in matters proper for them to intermeddle in? is it *nothing* to Petition, Advise, Address, Represent ; to give their Judgment, where it may be desired, or their Censure where it may be needful? Is it *nothing*, with a Dutiful and Discreet Zeal to suggest the fittest Methods of securing the Christian Faith, of preventing the Revival of Old Heresies and Errors, and the Growth of New Ones? Is it *nothing* to do that, which anciently, when Bills began by *Petition*, was the Great Privilege of one Great Part of the Legislature, the House of Commons? I had thought that, while they had this at least (tho' they should have no more than this) to do, they had not *nothing to do* ; but rather a very Great and Necessary Work. And whether such Applications are necessary, should, I suppose, be left to the Convocation it self, to determine ; tho' others afterwards may either second, or reject these Applications ; who may in these

Cases have the Power of Judging, but not of Prejudging the Actions of a Lawful Assembly : much less have they the Power of precondemning the very Being of such an Assembly, because they foresee not what may be done in it.

In truth, whatever may be pretended of the Convocations being able to do *nothing*, yet their not being allowed to Meet is a shrewd sign, that they can, when met, do *something* ; and that they of the Clergy, who oppose their Meeting, are themselves of that Opinion : for were their Mouths really shut, and their Hands ty'd to that Degree they are represented to be, there could certainly be no Inconvenience in trusting such an Harmless Body of Men together, nor would it be worth while to break through Antient and Received Practice in order to prevent their Assembling.

The Innovation made in these matters has begun within these Ten Years last past. For tho' it has been usual to adjourn Convocations, a few days after they had met and sat, when there was little or no business to do ; yet it was never till this time known that a Convocation was adjourned before it sat ; that is indeed, before it was a Convocation. This New Practice (which Dr. Wake, in my Opinion, by as New Law justifies) we know the Date of ; and have reason therefore to obviate it, while it is New ; and to take some care that it may not in a little time be able to plead a Quiet Prescription.

The Clergy betray their Priviledges, if they lye still under the Publication of such Oppressive Schemes, without as Open a Disavowal of them,

them, and without expressing their Detestation of the Meanness of the Publisher. They deserve to be used as ill as their Open Adversaries, or their False Friends would have them used, if they can suffer their most Valuable Right to be thus torn from 'em, in Print, without the least struggle for it. The Virgin in the Law of God was judg'd consenting to the Rape, who did not cry out, when Help was near, and was order'd therefore to be stoned together with her Ravisher. To prevent such an Imputation upon the Church, and the sad Consequences of it, her True Sons, were they as Rash as they are represented to be, would e'er this have shewed themselves against this New Advocate, in a more Open Manner, and in somewhat Greater Numbers than they have hitherto done; and might perhaps, for that End (could they no otherwise be heard) have interposed a Subscribed Protestation from their whole Body. But if this way of gathering scattered Hands would seem disorderly, and unsuitable to their Characters, and prove dangerous, it may be, to the Persons engaging in it; the more reason still have they to esteem and assert the Privilege of being Legally assembled, and put into such a condition, as to be able duly and safely to make their just Complaints, and represent their Grievances.

**H**AVING largely shewed what the *Two Great Convocation-Rights* are, which I propos'd to Treat of, and withal offer'd the several Chief Evidences and Proofs on which I build 'em; my Method laid down leads me in the next place to consider the *Exceptions* of all sorts which have been made to this Claim, by some Late Writers, pretending to answer the *Letter to a Convocation Man*; particularly by the Author of a *Letter to a Member of Parliament*, and by Dr. Wake, in his Book intitled, *The Authority of Christian Princes over their Ecclesiastical Synods asserted, &c.* This Book being written by a Person of some Station in the Church, and, as is pretended, under the Cover of a Great Authority, deserves to be examined with a more than ordinary care; which accordingly I have resolv'd to bestow upon it. Dr. Wake indeed has a Peculiar Talent at enlarging on a Controversie; the shortest Point, when it comes under his Fruitful Pen, immediately improves into a Volume. I shall not so far follow his Example, as to trace all he has said, step by step, and Page by Page; and take every Opportunity that he has given me of laying open his misapplied Reading, and mistaken Reasonings: That would be an Endless Task, which I have no leisure for, neither does the Cause require it, nor would the Reader bear it. I shall endeavour therefore, as much as I am able, to shorten this Debate; and in order to it, shall first of all make some *General Reflections* upon his way of managing it: wherein I shall shew, how very little there is in his Tedious



dious Work, that really concerns the Point disputed ; and how much of it is written against no body, and for no End in the World, that I can see, but the Pleasure of Emptying his Common-Place-Book. I may very aptly apply to him, what Bishop Andrews said of a much Greater Adversary : *Ersi nobis lis nulla de Regia in Ecclesiasticis Potestate*——*tamen exorari non potest Tortus quin in Campum exeat istius Controversia ; & ubi questio nobis nulla de ea re, ostendat tamen nobis Testes minime necessarios. Explicare scilicet voluit Oper suas, & ostendere quæ habebat in Adversariis suis. Habebat autem ad hanc rem nonnulla, si incidisset alicubi : Jam quia non incidit, occasionem arripit non valde idoneam ea quoquo modo proferendi. Vult enim Lectorem videre quàm Cupressum pingat eleganter \**. I shall not, I hope, be thought impertinent in displaying these Imperinences of his ; which I shall do in as narrow a compass, and under as few Heads of Observation, as the variety of the matter will admit of. And

\* Tortura  
Torti,  
p. 159,

I. I observe, that Dr. Wake has put himself to a great deal of needless pains to prove a Point, which he might, if he pleased, have taken for granted ; that every Christian Prince, and Ours in particular, has an Ecclesiastical Supremacy ; and that the Clergy are not, by a Divine Right intitled to transact Church-affairs in Synods, as they please, and as often as they please, without any regard to the Civil Christian Power that they live under. Many of those numerous Instances he has produced of Princes intermeddling with Church-matters, here at home, or abroad, are designed only to assert this Great Truth : which however is a

*Lett. to a  
Conv. Man,  
pp. 17, 18.*

Point that he needed not to have laboured so heartily, because no Church of *England* man ever denied it: not the Man he writes against, I am sure; who says only (and what he says I shall not fear to say after him) that “the Civil and Spiritual Powers are distinct in their End and Nature, and therefore ought to be so in their Exercise too. The One relates to the Peace, Order, Health, and Prosperity of the Man in this Life, as a Sociable Creature; the other concerns his Eternal State, and his Thoughts, Words, and Actions preparative thereto: The first is common to all Societies, whether Pagan, or Christian; the Latter can rightly be exercised among Christians only; and among them, not as inclosed within any Civil State or Community, but as Members of a Spiritual Society, of which *Jesus Christ* is the Head; who has also given out Laws, and appointed a standing Succession of Officers under himself for the Government of this Society. And these Ministers of his did actually govern it by these Powers committed to them from him, for near 300 years before any Government was Christian. From whence, says he, it follows, that such *Spiritual Jurisdiction cannot be in its nature necessarily dependent on the Temporal*: for then it could never have been lawfully exercised, till Kings, States, and Potentates became Christian. And again in another place, — “This Power having been claimed and exercised by the Apostles and their Successors, without any Regard, nay in Opposition to the Heathen Temporal Authority, is therefore, we say, *not necessarily*

*“ necessarily in its own nature dependent on such Authority †. Than which Reasoning nothing certainly can be more just; nor could that Writer have expressed himself with more Caution and Guard upon so nice an Occasion. Dr. Wake seems here to have apprehended him, as if he had affirm’d, that Princes have nothing to do in Church-matters; the Management of which lyeth without their Sphere, and no ways depends on Their Authority. But no Man living could have struck this sense out of his words, that was not either very Blind, or very willing, for some small End or other, to misunderstand him. Cannot this mighty Controvertist distinguish between Denying the Exercise of Ecclesiastical Power to be necessarily dependent on the Temporal, and affirming it to be necessarily independent upon it? Does he not see a difference between saying, that the Church may subsist without the State, and that the State has nothing to do in the Government of the Church? If he does not, he ought to forbear tampering in Disputes of this kind, till his Judgment is better, and his Head clearer. But if, seeing this difference, he yet resolved to take no notice of it; either because he had made Collections some time of his Life about the Supremacy, and was resolved to take this Opportunity of giving himself the Credit of them; or because he saw it would be of use to him, to have the Writer he appears against represented under as Invidious Colours, and his Opinions loaded with as much weight as was possible: if this were the Case, it must be allowed him, that there was some little Art, tho’, I think, no very great share of Honesty in his Management.*

’Tis

'Tis true, the *Letter to a Convocation-man*, immediately after the last words I transcribed from it, adds, "And if we should say further, that this Society has an Inherent and Unalterable Right to the Exercise of this Power; it would be no more than what every Sect or Party among us claims, and practices, &c. But Dr. *Wake* could not with any colour lay hold of this Passage as asserting the Independency of the Church on the State: for, besides that it is only a way of arguing drawn from other Mens Principles; it is a few Lines afterwards expressly retracted, and qualified: "But this, says he, is what at the present we neither do, nor need say. Notwithstanding which Dr. *Wake* is resolved that this he shall say, and maintain; and supposing it therefore to be his avow'd Opinion, draws down all his strength, and sets his Quotations in Array against it. From Fathers and Councils, from Antient and Modern Writers, our Own and Foreign Historians he learnedly proves, that the Church-power in a Christian Commonwealth is to be exercised in Subordination to the State; that Princes have of right all along called Councils and dissolved them, have hindred the Execution of some Ecclesiastical Canons which were prejudicial to their Kingdom, and given the Civil Sanction to others—and a great deal more of this kind they have and may do; and must be allowed therefore a Supremacy in Ecclesiastical Affairs, and over Ecclesiastical Persons. And what if they be? Is there a Line in that Book he opposes, but what will stand good, notwithstanding all this were made out, never so irrefragably?

bly? This is bringing the Great Engines of Battery against a Place, which he might have marched directly into without Opposition, the Enemy having never undertaken to defend it. *Qui operose probant, &c.* (says Grotius of some such sly Dealers in this very Controversy) *stultum sibi fingunt Adversarium, de quo facile triumphent* \*. Dr. Wake, with great Modesty advises his Learned Adversary, Not to increase the Necessary Bulk of their Dispute by alledging passages out of the Antient Fathers, to prove that which neither of 'em make any doubt of †. Had he given this Advice first to Himself, and taken it, his Huge Performance had shrunk away into a few Pages, and been as inconsiderable for its Bulk, as it is for the Importance of the matter contained in it.

\* De Imp. Summar. Pot. circa Sacra.

† Appeal. Pref. P. XXI.

II. A second Instance, wherein Dr. Wake has spent his Learned Pains to no purpose, is in the Tedious Account he has given us of the Power exercised by Princes, in relation to General Councils, and the Greater Church-Assemblies. These Researches (as he calls 'em) might well have been spar'd, upon a double account; both because the matter of 'em lyes not very deep, and can be no News to any Man that has but once touched on this Controversy ||; and because his Reading of this kind, tho' never so hard to come at, yet is nothing to the purpose. For the Dispute turns on Provincial Synods only, and the Rights which the Church lays claim to in relation to Them: and it is no Proof, or Disproof of these Rights to shew,

|| Veteramenta omnia, detrita jam & repetita millies, say; Bishop Andrews, (Tort. Tort. p. 173.) of some of those very Instances, which 90 Years ago, it seems, were grown stale; tho' Dr. Wake produces 'em now with such Pomp and Pleasure.

shew, what the Practice of Princes has been in convening and presiding over *General Councils*, which are Meetings of another Nature, and Original, and subject to quite different Laws and Usages.

By *Provincial Councils* the Church was govern'd, and in such Councils all the Great Affairs of it were transacted for some hundreds of Years before the Empire became Christian; whereas *General Councils* owe their very Being to the Civil Power, without the Express Allowance and Encouragement of which, after Christianity had once spread it self wide, they never did, or could assemble.

The Times when Provincial Synods were to meet, the Persons that were to compose them, and preside in them, the Causes that were to come before them, and the manner of deciding those Causes, and of enforcing Obedience to their Decisions by Spiritual Censures, &c. these were all things fully agreed on and determin'd by the Rules of the Church, while it subsisted independently of the State: and when *Constantine* therefore by embracing the Faith became its Protector, he only confirm'd those Antient Usages to the Church, which she was in possession of; He left the Practice of the Church just as he found it: only what was before an Ecclesiastical Rule, he made a Civil Right, and a Law of the Empire.

Not so, as to *General Councils*; the Church had no Custom, no Prescription to plead, in relation to Them; they were Then first to be set up by the Civil Power, framed, and mould-

moulded \*: and no wonder therefore if the Method of their Meeting and Acting was regulated, in some of its chief Circumstances, by that Power which gave Birth and Establishment to them.

\* L. M. P.  
Proves a  
Convoca-  
tion not  
to be in-  
cident to  
a Nation-

al Church, by a passage in the Preface to Ælfricus's Canons; where he finds it said, that the Christian Church for the first 300 years had no Convocation, p. 46. Can one imagin it possible for a Man to be in the Dark to that Degree, as not to know, that this was meant of General Councils? But his Skill in Ecclesiastical History, it seems, goes no further than Lambert.

The First of these Assemblies that ever sat, provided by a Canon for the continuance of Provincial Synods upon the Foot they had always stood: and this Canon was reinforced by several succeeding General Councils, was ratified by the several Emperors, in whose Times these Councils were held, and inserted at last into the Code of the Imperial Laws: and from thenceforth the Synod of every Province was as Legal an Assembly as the Senate it self; had a right, at stated Times, to be Summoned as duly, and to act within its proper Sphere as freely, as any Civil Convention whatever.

But General Councils, even after they were set up, were not by any Law thus provided for; they were in their nature, and Institution Occasional Meetings, which had no fixed time allotted to them; but were to be called together in Extraordinary Cases only, and when the Pressing Exigences of the Church required them: And no Bishop Then pretending to an Authority over All the Rest, even on that account it fell a course to the Emperors share to Convene them.

The



The Assembling of so many Men of Rank and Character from so many Quarters of the Empire was a Power that could safely be lodg'd in no Hands but his that rul'd it : He was to be Judge, when such a vast Confluence was fit to be allow'd, and how far it consisted with the Peace of the State ; at what Place and Time the Session should be opened, and how long it should continue. He by his Officers provided for the safe Conduct of the Fathers going to the Council, and returning from it ; at his Expence they had Reception and Entertainment on the way, and under the Security of his Protection they met and consulted. The Debates of such a Numerous Assembly must have been very disorderly and tumultuous, unless conducted by a Rule ; which no single Bishop had a Right to prescribe to the rest, and which could not therefore come so properly from any one as from Him that Summon'd them. And that this Rule might be sure to be observ'd, it was requisite, that the Emperour should have a Place in their Assembly, should preside over, and moderate their Debates, either in Person, or by his Deputies, as he saw occasion. After the Fathers had come to Resolutions, and framed their Canons, it was of vast Importance to 'em to have the Secular Power ratifie what they had agreed on. They could Authoritatively declare, what was the General Sense of the Church on such and such Articles ; but to procure that these Decisions should be generally received and obeyed in all Christian Countries, could no ways be so effectually brought about as by Civil Sanctions and Penalties.

On all these accounts, and many more, it was highly reasonable, and just, nay necessary almost, that the Imperial Power should exert it self in Appointing the Meetings, and Governing the Debates, and Confirming the Acts of General Councils. But was there the *same* Reason and Necessity for its interposing as particularly in Provincial Synods also, which were Ordinary Meetings, of perpetual and standing Use in the Church, not Numerous, or Composed of Equals, but of Persons living at no Great Distance from one another, and all Subordinate to one Ecclesiastical Superior? Dr. *Wake* knows in his Conscience, that these Circumstances make a Wide Difference between them: and if so, why does he amuse us with Large Accounts of what Emperors have done, and been allowed to do, in relation to these Great and Extraordinary Meetings, the Custom of which makes neither for nor against the Rule that was to be observed in these Ordinary Stated ones? To what purpose was it for him nauseously to transcribe *Labbe* for fifty Pages together upon a *Common-place*, which has been so often and so thoroughly exhausted by the Writers of the Last Age; and which besides is of no manner of use towards determining the present Dispute? Does he think to cover the want of proper and apposite matter by such loose and General Reflections as these? Does he hope to make his Readers lose sight of the Point they are in quest of, in that Mist of Impertinent Quotations, with which he surrounds em?

The Learned Mr. *Hill* had rightly observed, that what Dr. *Wake* produces \* from *Socrates* † about

\* P. 10.  
† Hist.  
Eccl. Præf.  
l. iv.

about the Emperor's Interposing in the *Greatest Councils*, was of no weight in the present Argument; where we are enquiring, what the Usage and Rights of the Church are, not in the Greater, but *Lesser Synods*; which go by quite another Rule, and are much more exempt from the Interposition of the Civil Authority. Dr. Wake makes a Scornful mention of this Distinction in the Preface to his Appeal \*, without vouchsafing to give any Reply to it: which was discreetly done, for it would not admit of any. The Distinction is just and well applyed; and had it been considered by Dr. Wake, when he wrote, must have prevailed with him to withdraw above half the History that his first Chapter is filled with, and have made that part of his Work look no more Learned, than it really is.

\* P. xxi.

Socrates might well say, that the *Greatest Synods* were held always at the Emperor's Direction; but he knew the *Lesser* were not, and therefore omitted the mention of them. And the same Caution is observed in one of our XXXIX. Articles †, where it is affirmed indeed, that "General Councils may not be gathered" [upon any Occasion, in any Circumstances] "without the Commandment and Will of Princes: But of *Provincial Councils* nothing is said. However the Churches Caution in Wording her Decision is not greater than Dr. Wake's in citing it, who has, throughout his first Book, made, as I remember, but one slight and General mention || of this Article, without producing the words of it; which he knew would go near to suggest a Distinction, that it was not to his purpose to have observed.

† Art. 21.

|| P. 10.

Indeed

Indeed the Canons of 1640 seem, and only seem, to go further; for in truth they do not. They affirm, that the Power of calling both National and Provincial Councils is the true Right of all Christian Kings within their own Realms and Territories; but say not, that this is the Right of Kings alone, so that no other Person or Persons can in any Circumstances whatever claim or use it: on the contrary, they plainly teach, that where the Prince is not Christian, the Prelates of the Church may rightfully use this Power; so it be with Submission to the Civil Penalties and Punishments that may attend 'em on that account? and they intimate the Case to be the same under a Christian Persecuting Prince, tho' it was not so Decent openly to express it. The Canon and the Article therefore are perfectly consistent, and both are drawn up with that Moderation, and Guard, as to give the Prince what is *His Due*, and yet not to deprive the Church of what may be *Hers*; but to leave the way open to the Exercise of the same Power that she claimed and practised, before Princes came in to the Faith, if there should ever be the same Occasion for it, which I hope there never will.

And this Canon too was not, it seems, thought worthy to accompany Dr. Wake's Other Collections; where Foreign and far fetched Authorities take up his Pen so much, that he had not room to consider what had been said here at Home upon the Subject; no; not in a Work written on purpose to clear and to assert the Doctrine of the Church of England. But we are not to wonder at it: for the same Happy Talent of Mind, which makes a

K

Man

Man abound in what is Trivial, makes him Defective also in what is Material.

All that Dr. *Wake* can say for his way of arguing is, that he has in it traced the Steps of some of our Greatest Writers, who treating of the Supremacy, derive the Proofs of it from the same Sources he has done, and frequently give Instances of the Powers exercised by Princes over the Greatest and most General Assemblies; as appears from that Collection of Authorities which he has made in his *Appeal*. But this will not justify him: for those Writers, whose Pattern he pretends to follow, had to do with such Adversaries as quite shut out the Civil Power from interposing in Church-matters: Most of 'em being engag'd either against the professed Defenders of the Papacy, [as *Jewel*, *Bilson*, *Nowell*, *Mason*, &c.] or against those of the Rigid Presbyterian way [as *Whitgift*, *Hooker*, *Banerese*, *Bramhall*, &c. were] In Opposition to these therefore it was proper to shew, how far the Practice of the first Christian Emperors was consistent with such Principles. And whether their Instances to this purpose were taken from the Greater or Lesser Church-meetings, from Provincial or General Councils, it was all one to the point in hand, and made equally against Those whose Doctrine they were to disprove. Not so in Dr. *Wake's* Case, who, when he wrote his First Book, had no such Adversary to deal with; but One who argued altogether upon the Bottom of a Civil Right, and drew his Plea purely from our Domestick Constitution, and the approved Laws and Usages of the Realm. When Dr. *Wake* therefore by the Authorities produced

produced in his Last Piece would excuse the Doctrine laid down in his former, he deals unfairly with us: for those Authorities justify only that part of his Doctrine which was foreign to the Argument; they being Declarations chiefly of the General Rights and Interests of Supreme Christian Powers in Ecclesiastical Affairs; without entering into the Various Restrictions of that Right, which the Spiritual Subjects may in several Places be intitled to by the Concessions of Princes and States, and by their particular Priviledges and Immunities; and without considering nicely, Where that Supremacy may in different respects be said to be lodg'd, and Who therefore must be taken in as Sharers in several Acts and Branches of it. Which Considerations nevertheless are necessary to determine the just Extents of our Princes Rights in this Case, and the Measure of our Obedience; as will hereafter, in Due Place, more clearly appear.

In these Opinions our Old Writers had an Eye to the *Act, and Oath of Supremacy*; to maintain which was the business of that Age, in which they wrote: and their words therefore must be understood, as that *Oath* is drawn up, *Negatively*, not *Positively*; that is, as denying the Usurpations in Ecclesiastical Matters, that have been made, or attempted, *from without*, upon the Crown of *England*, not as settling the exact Boundaries and Limits of that Supremacy *within*, in relation either to those who are to govern, or those who are to be governed by it: which is a Controversie, that there has hitherto been but little said of, and indeed but little Occasion to consider; and which could not therefore be

settled and determined by such Writers, as lived and died before it was started.

Dr. Wake's *Cloud of Witnesses* therefore, which he produces in his *Appeal*, are very properly such; for they serve only to darken and confound the Point we are in pursuit of, not at all to clear it. They are such a *Nubes Testium* as we had in the Late Reign for *Transubstantiation* [and other *Romish* Articles] where the Old Fathers were vouched by whole-sale for a Doctrine, that came not upon the Stage, till they were gone off it. And much the same Usage have the Fathers of our own Church had from the Pen of this *Appellant*; who has cited 'em, if pertinently, to Points that perhaps they never heard of, and to purposes that to be sure they never dreamt of; and to which had those Excellent Persons foreseen that their words would have been stretched, they would certainly have renounced such Consequences, or rather have prevented 'em, by expressing themselves more warily. They were to plead for the Supremacy of Princes against Those who were for allowing them no manner of Interest in Church-matters: and what wonder is it, if in the warmth of this Dispute they should, as the Fate is in All Controversies, have sometimes a little over-thought or over-expressed themselves, and have laid down such Positions, as, tho' of sound Sense, when opposed to the Principles of those against whom they contended; yet when applied in other Cases and Circumstances, (then out of their Thoughts, and the Debate) might need some little softning? Their Great Concern was to secure the Royal Prerogative; and when



when that was done, they thought their own Rights and Priviledges would be secure under the Shadow of it. These they were then in a full Uninterrupted Possession of, without apprehensions that a Time might come, when they should be put to prove their Title to 'em; and when that Power, which they so warmly, and with reason, pleaded for, should be turn'd upon them, and made use of against the Maintainers of it. Much less did they suspect, that ever any pretended Son of the Church of England would amass together all the Highest Assertions of the Regal Supremacy, scattered up and down in their Writings, in order to furnish out a Plea for suppressing the Liberties of that Church; and on purpose to prove, that Convocations were (what the Letter to a Member of Parliament sawcily says, \* Bishops are) the Creatures of the Crown; which therefore as it created, so it may annihilate at its pleasure. Such kind of Books indeed were written Twelve Years ago, by some False Members of our Communion, to make way for those Ill Designs that were then on foot, but to the Eternal Infamy of the Writers of them; who thought to find their particular account in the General Ruin of that Church and Constitution to which they belonged; but were, God be thanked, every way defeated in Their Expectations. There is not, 'tis true, so much Hazard now, as there was then, in exalting the Regal Power; when we live under a Prince, who is too Just and too Clear sighted, to be flattered into a Misuse of his Authority. However, no Thanks are due for this to the Flatterers, who have markt out

\* P. 26.

the Arbitrary Scheme ; and it is no fault of theirs, if it be not afterwards followed.

My Indignation at such Unworthy and Mean Attempts has carried me away into Considerations, not so proper for this place, and led me a little from a strict pursuit of my Argument. I left it, where I was shewing, how weak Dr. Wake's way of reasoning is, from the Powers exercised by Princes over the *Greatest Synods*, to their interposing equally in the *Less*. He himself seems to be sensible of it ; and therefore, to prevent this Long Chapter of his being One Entire Impertinence, has sprinkled up and down in it a few Instances of the Authority of Princes over their *Provincial Synods* ; which being the only Instances there, that any ways affect our Argument, I shall not think much to consider 'em. And in order to it, I observe,

III. That in those Few Historical Facts, which seem apposite and proper, he either manifestly mistakes *National*, for *Provincial Synods* ; or *Extraordinary Assemblies*, for *Ordinary* and stated ones ; or conceals some Circumstances relating to the Story of those Meetings, which when known, give an Easier Account how the Royal Power came so particularly to interpose in 'em. Several of the Synods which he calls *Provincial*, were undoubtedly not so : Others, which were, yet were called by Princes upon Extraordinary Emergences, and do no ways prejudice the Right which the Church then had of assembling ordinarily at set times, without a Lay Summons. For when Princes admitted the Canon of the

Nicene

*Nicene* Council to take place in their Kingdoms, and allowed the Synods of every Province to meet twice a Year in vertue of it, they did not by that preclude themselves from calling those Synods together at other times, when the Circumstances of the Church or State should require them. They parted with no Power that they had to Convene such Assemblies, but only gave a Liberty to the Clergy of the Province to meet at appointed Times, whether they had a Royal Command for it, or no.

Besides, had Dr. Wake intended a fair state of this Point, he would have set aside all those Instances of Provincial Councils Summoned by Princes, where those Princes exerted their Power, only to make Metropolitans, who were remiss, do their Duty, and obey the Canons: or, where they interposed only to revive the Use of such Meetings, which had been under a long Discontinuance in their Kingdoms; and when they had done so, left them afterwards to their Ordinary Course. In these Cases, whatever the Prince did, he did in behalf of the Churches Rights, and his Act ought not therefore to be alledged, and cannot fairly be construed to their prejudice. Nay, in the most Ordinary and Regular Assemblies of the Province, should any mention be made in their Acts of their Meeting by the Civil Authority; yet it ought to be considered, whether at the same Time, and in the same Acts their Right of meeting by the Canons also be not claimed. For if it be, the Exercise of the Regal Power in such Instances is no Bar to those Liberties of the Church, which are at

the same time expressly asserted and maintained. Kings may order their Bishops to meet, when those Bishops would have met, tho' unordered: and all therefore that such Bishops, when met, could do, to secure their Ecclesiastical Right of Meeting, was to mention it together with the Royal Precept: and this we may presume, purposely to have done, to prevent those Precedents being drawn into Consequence, and under a Prudent Foresight of the Ill-Uses, that might be made of them by such Betrayers of the Church-Rights as our Author, in Future Ages. These Circumstances should have been considered by him; and, where they take place in any of the Instances of Provincial Councils he alledges, acknowledged. But it was not agreeable either to his Design, or his Temper, to enquire into matters thus carefully, or to state 'em thus candidly and fairly. It was enough, if upon a Superficial View of the Acts of Provincial Synods, or those that passed for such, he found at the Entrance of any of 'em a mention of the Royal Power: This he knew would have the Look of a Proof; and, whether it had more than that, he knew not, and cared not, and hoped other People would not give themselves the Trouble to enquire. To come to Particulars.

The First Instance he has produced of the Authority of Princes over Provincial Synods, is this: *When Theodoret (says he) began to be busie in calling the Bishops together, Theodosius not only laid a Prohibition upon him; but confined him to Cyrus, his own little See, as a Punishment for what he had done before.* P. 18. I question whether Dr. Wake ever gave himself the Trouble of

of reading those three Epistles \*, which he cites on this occasion, tho' not with right Numbers. For there he would have found, that *Theodoret*, when thus prohibited by the Emperor, was at *Antioch*, where he had no more Authority to call the Bishops together, than at *Rome*, or *Constantinople*. He had been called up thither from his Little See, to reside with *John* the Patriarch; and whatever of this kind he did therefore, he did by his Order, and as his Substitute. But *Theodosius* finding the Peace of the East hazarded by these Assemblies, and the Nestorian Heresie favoured by them, sent an Order to *Theodoret*, upon whose Advice the Patriarch acted, to retire to his own Diocese, and live there. This is the true account of that matter, which how it makes for or against any Point in Dispute between Dr. Wake and his Adversaries, is to me hard to apprehend.

\* Epist. 79, 80, 81.

The next Provincial Synod he mentions is that of *Agatha*, called by *Cæsarius* Bishop of *Arlas*; but not (says the Dr.) till he had obtain'd the Consent of *Alaric* the Goth for it; and it is expressly noted that it was held by his Allowance †.

† P. 20.

What if it were? was it not a mighty favour that thirty five Catholick Bishops (for so many were present ||) should be allowed to meet under an *Arian* Prince; tho' the Rules of the Church were on their side? and was not this favour fit to be acknowledged in their Acts? especially, since at the same time they took care to assert their Ecclesiastical Right to such Meetings, and to ordain \* that for the future, in obedience to the Canons, Provincial Synods should be held yearly. The Permission of the Prince

|| Vide Conc. Meld. c. 73

\* Can. 71.

*Prince* would be sufficiently accounted for this way, had this Synod been both *Ordinary*, and *Provincial*; but it was really neither: not *Ordinary*, for it was called after a long Intermiſſion of Councils in thoſe parts, to reſtore the Decayed Diſcipline of the Church; not *Provincial*, for *De Marca* has obſerved, that no leſs than five Metropolitans, and the Prexy of a ſixth, ſubſcribe to it. But the Doctor found it ſtyled *Provincial* in the Tomes of the Councils, and he look'd no further.

\* LVI. c.  
17. §. 1.

Such another *Provincial Council* is the very next he inſiſts on †, that of *Epaon*: it was compoſed of the Biſhops of Two Diſtinct Provinces, thoſe of *Vienne*, under their Archbiſhop, *Avitus*, and of *Lyons*, under *Viventidus*; as the Subſcriptions, if he had not been too much in haſte, would have informed him.

† Ibid. p.  
20.

Among the *Spaniſh Councils*, he meets with Two that were *Provincial*, the Synods of *Narbonne*, and *Saragoſa*: and of both theſe, he tells us, it is ſaid, that they met according to the Order of *Recaredus*. But by his favour, this is ſaid of neither.

Pag. 23.

|| Concilia Sanctorum Patrum vel Decreta obſervare cum timore Dei cupientes, Nos in Urbe *Narboni*, ſecundum quod Sancta Synodus per ordinationem Glorioſſimi noſtri *Recaredi* Regis in urbe *Toletana* finivit—in unum convenimus.

In that of *Narbonne*, they affirm || themſelves to meet in virtue of the Antient Canons, and of the Decree of the third Council of *Toledo*, which met by *Recaredus*'s order. In that of *Saragoſa*, they own themſelves indeed to meet by the Permiſſion, but not by the Order of *Recaredus*:

and this Permiſſion might be, and probably was no more than what was contained in the Canon of that Council of *Toledo*, which had

revived



reviewed the use of Provincial Synods in *Spain*, but just before; and the Acts of which *Recaredus* had confirmed.

In *Gallicia* he finds the Second Synod of *Braga* (which was Provincial) to have assembled at the Command of *Arianus* \*. It did so: \* P. 13. but it must be considered, that no Synod had

been held in those parts for many years before †. He re-

stored the Catholick Faith, and the Use of Councils; both which were lost in that Country by a Long Succession of *Arian* Princes (as both of 'em are usually lost together.) And to this End he

ordered his Bishops to meet, which could be no otherwise than Provincially; for his whole Kingdom was then under one Metropolitan. Is it any wonder, that after so long an Intermision, the first Provincial Synod that met, should gratefully own that

Princes favour, by whom they were allowed and encouraged to assemble? which yet they do, in such a manner, as to declare also, that by the Canons of the Church, they had a Right to meet, and that their being debarred of that Right was a Violence upon em.

The Council of *Lugo* afterwards (which sat in 589, or thereabouts; not, as Dr. *Wake* says \*, in 607; mistaking grossly the *Spanish* \* P. 13. *Era*, for the Year of our Lord) professes it self to have met at the Command of *Theodimi-*

† *Diu est (says the Metropolitan in his Speech by which he opened it) Sanctissimi Fratres quod secundum Instituta Venerabilium Canonum & Decreta Catholicæ & Apostolicæ Disciplinæ, desiderabamus Sacerdotalem inter nos fieri debere Conventum: quia non solum Ecclesiasticis Regulis & Ordinibus opportunum est, sed stabilem etiam semper efficit Charitatis Fraternalæ Concordiam, dum congregati simul in nomine domini Sacerdotes ea inter se salutiferâ collatione requirunt, quæ secundum directionem Apostolicam Unitatem Spiritûs in Vinculo Pacis obtineant.*



was ; but it was upon an Extraordinary Occasion, the Erecting the See of *Lugo* into an Archbishoprick ; in which the Civil Power was nearly interested, and to which it was requisite therefore that it should concur. But after that was over, the Two Metropolitans of *Braga*, and *Lugo*, Convened their Provincial Synods apart, according to the Canons, and without the King's Order, as far as appears ; and needed his Command only to unite these Two Synods into One National Assembly.

\* P. 24.

As to the Seven *Burgundian Synods*, whose Acts, he says, *avow the Authority by which they met* \* ; tho' he would insinuate, yet he does not directly affirm any of them to have been *Provincial* ; and I shall not therefore stay to prove that they were not so. That Five of them were not, is certain ; and that the Two Others were, if not more than Provincial, yet at least Extraordinary, it will be time enough to prove, when he has told us, which he gives up, and which he insists on.

But *Pag. 35.* he professes to speak only of the Power of Princes over their *Lesser Synods* ; let us see by what Instances he chooses to make it good. He tells us, that "when *Wolfoleundus* Bishop of *Bourges* Summoned a Provincial Council according to the Canons, yet having neglected to consult the King's Pleasure in it, we find *Sigebert*, for that reason alone, forbid his Bishops to go to it.

This Story indeed would be something to his purpose, were it rightly represented ; but nothing can be more insincere than his manner of telling it. For the proof of this I appeal to the account which *De Marca* has given

ns of this matter, *L. VI. c. 19. Sect. 5.* there he informs us, that *Bourges* of which *Wolfolendus* was Archbishop, was in *Clowis's* Realm, *Nen-  
fria*; not in *Sigebert's*, *Austrasia*; which was all out of the Province of *Bourges*: That He nevertheless, at the Desire of the *Austrasian* Bishops, designed to come with his Suffragans out of his own Province, into some City of *Austrasia*, to have a Meeting there with the Bishops of that Kingdom; and pretended to do this, by vertue of some Antient Canons, without so much as consulting *Sigebert* in it; who for this reason resolved, as he justly might, to oppose him. We see here, that this Synod was not Provincial, but the Meeting of an Archbishop and his Suffragans of one Kingdom with the Bishops of another; and this appointed to be in the Territories of a Prince, where that Archbishop had no Jurisdiction, and without so much as acquainting him with it. What wonder if *Sigebert* made use of his Royal Power to hinder such a Meeting? or what Instance could *Dr. Wake* have pitched upon, less to his purpose; without it be that which follows?

When the Fifth Council of *Paris*, he says, had resolved it to be Expedient, that Provincial Synods should be held every year, according to the Orders of the Church, and the Canonical Custom establisht in it: They made in their Request to *Lothar* the Emperor, and *Lotharins* his Son, that they would consent that at a fit season every year they might be assembled. This Request was again renewed some years after in another Synod. Thus far he is of our side; for what

P. 36.

can

can be more to the advantage of Provincial Synods than this Decree of the Council of Paris, and their Request in consequence of that Decree, to the Civil Powers, that they would suffer it to take effect according to the Canons? It follows, "Yet, notwithstanding these General Permissions, before they did come together, they were to have a particular Warrant for their so doing; as is evident (says he) from the Acts of the Synod of *Soissons*. Which Synod of *Soissons*, one would think now, was certainly Provincial: and yet it was composed of the Bishops of no less than Five Provinces, as *De Marca* assures us \*; and the Names of several Metropolitans are now fairly legible in the Front of it; which is that part of the Acts, with which Dr. Wake is usually best acquainted.

\* L. VI. c.  
26. §. 2.

I thank him here for mentioning this Decree of the Council of Paris; for it gives me an occasion of supplying his account, and of adding the Reasons, by which the Authors of that Decree governed themselves in the passing it, viz. "Because, if Provincial Councils were held Annually, the Honour of the Ecclesiastical Order would be supported, Ill Clergymen would be discouraged, many Offences which escape now with Impunity, would be taken notice of, and many Instances of Church-Discipline, now superseded, would, by the blessing of God be restored †. Which

† Quoniam si hæc semel in Anno per

unamquamque Provinciam celebrata fuerint, & Honor Ecclesiasticus Vires Ordinis sui obtinebit, & Impudentia quorundam Clericorum quæ passim auctoritate Canonica calcata Auribus Imperialibus molestiam ingerit, cessabit; & Impunitas diversorum Flagitiorum locum delitescendi quem nunc habet, non habebit; & multa alia, quæ hæcenus sæcùs quam Ecclesiastica Disciplina docet, incesse-  
Reasons,

Reasons, whether they will not serve as well to prove the Expedience of Convening frequently the Synods of *Canterbury* and *York*, I leave the Reader, who understands the state of this Church and Nation, to determine.

These, I think, are all the Instances of Provincial Councils, which he expressly produces as such, throughout his first Chapter: and I appeal now to the most Partial of his Friends, whether any one of 'em does in the least countenance that Extravagant Principle which he sets up for, That the Calling, or not calling of Convocations (i. e. Provincial Synods) the allowing, or not allowing them to meet and sit, was a Thing always at the Free and Absolute Pleasure of the Prince; even where the *Nicene* Canon was admitted, as a perpetual Law of the Church. I do not wrong him, in representing this as the Design of that large Historical Account of the Authority of Princes over their Councils, which he has given us; for besides that he must either have had this design, or none (nothing less than this being of any service to that side of the Debate which he espouses); Besides this, I say, the very Terms in which he expresses himself shew this to be the true and only End he aims at:

"Tho', says he, the Council of *Nice* first, Pag. 34.  
 "and, after that, several other Councils provided for the constant meeting of Provincial  
 "Synods every year; and these being allowed of by the Emperors and other Princes  
 "who confirmed those Canons, and approved  
 "of what they had defined, may seem to have  
 "put these kind of Synods at least out of their  
 "power; yet even in These we find 'em still  
 con-

“ continuing to exercise their Authority;  
 “ and not suffering even such Councils to be  
 “ held, without their Leave, or against their  
 “ Consent.

To confirm which, he produces two or three Stories, which I have shewn to be utterly wild of the mark; and then concludes: “ So intirely has the assembling of [these Provincial] “ Synods been looked upon, so “ depend on the Will and Authority of the “ Christian Prince “! A Conclusion that has no Premises, nor any one clear and full Instance in all his Long Beadroll of Councils to support it.

\* P. 36.

The Doctor had kindly prepared us in his Preface, to expect *Digressions*; but withal promised us, in his nice manner, that they should be rather *not directly to the purpose than altogether distant from it*. However I find not that he has kept his word with us, or that they deserve to be thus gently dealt with. In the first of ‘em, that meets me here, I have shewn nine parts in ten of it [*i. e.* whatever he has said about *General Councils*] to be altogether distant from the purpose; and that the other poor Scantling [about *Provincial Synods*] which seems to be, yet is really not, to the purpose: and I conclude therefore that the whole is *not only not directly to the purpose, but altogether distant from it*. The Doctor must forgive me if I tell him, that these *Historical Unedifying Accounts* of his put me in mind of the *Honest Confession* of *William Cantton* the *Chronicler*; the words of which will become *Dr. Wake’s* mouth as well every while as they did His; and I cannot help thinking that I hear him in the

the close of his first Chapter thus addressing himself to his Reader :

**¶** If I coude, says he, have founde moe Copies I wolde have sette in it moo; but the substance that I can fynde and knowe I have shortly sette thein in this booke; prayeing all them that see this symple werke of myne to pardon me of my symple wrytynge.

And indeed I for my part should have been very ready so to do, had it been as *Harmless* as it is *Simple*; and were it not likely, as *Simple* as it is, to be produced hereafter for a Testimony against the Churches Rights, if it be not now opposed and disowned. For which reason, how *Simple* soever the performance is, it deserves to be examined; and I go on therefore to observe,

IV. That Dr. *Wake* distinguishes not between the Powers in *Fact* exercised by Princes; and those of *Right* belonging to them, by virtue of their Office. Good Princes have been allowed often to extend their Authority in Spirituals very far, and Ill Princes have often usurped an Authority beyond what they were intitled to. Dr. *Wake* troubles not himself with these Considerations; but what ever Powers he can find any Prince, (whether Good or Bad) to have exercised over the Church, Those he proposes, as Patterns, which all other Princes may safely copy, and as the true Bounds and Measures of the Royal Supremacy. When in the Story of our Convocations



some Acts of theirs come cross him, that he does not like, then his Maxim is, *That they did take upon them to do this is no proof that they had a Right to do it* \*. But the most Extravagant Pretensions of Princes in the Ordering Church-matters are admitted by him without any such Guard or Distinction; without considering Who it was that did this or that, and in what Circumstances, and for what Reasons they were submitted to in the doing it. *Charlemagne* in *Germany*, and *Recaredus* in *Spain*, ordered Ecclesiastical Affairs with a very high hand, and had certainly somewhat more than their Share came to in the management of them. But this was tacitly yielded to by their Bishops, who saw, that to whatever Degree their Power was carried, it would all be employed for the Establishment of the Church, and Advancement of the Christian Religion. What They did therefore must not, because they did it, be presently presumed to be the Common Right of every Christian Ruler; but oftentimes an Instance only of a Discreet Compliance, in the Clergy, with such Intrinchments on the Liberties of the Church, as might redound to the benefit of it. Good Princes, who had the Hearts of their People, and were known to be intirely in their Interests, have been permitted to carry their Prerogative in Civil Matters to an heighth, that has been withstood and retrenched in more suspected Reigns. Were the Measure of our *English* Constitution to be taken from those Excesses of Regal Power, which have been winked at sometimes when well employed; what would become of the Liberty of the Subject, or the Freedom of Parliaments?

Dr.



Dr. Wake finds perhaps in the Acts of some Councils Expressions of Great Duty and Respect used to Pious Princes by their Clergy ; These presently he lays hold of as Authentick Synodical Decisions. The Council of *Tours*, it seems, did once upon a Time, tell *Charles* the Emperor \*, that they left their Decrees to Him to do what he pleased with them ; and the Council of *Arles* begged him, if he thought fit, to amend and alter them † : This is Handle enough for Dr. Wake to annex such an *Altering Power* to the Kingly Character, and to represent the Business of Synods to be only the preparing of matter for the Royal Stamp, which may be improved, corrected, enlarged, shortened at the Prince's Pleasure ; as (in p. 84, and 85. of his Honest Performance) he is pleased to express himself ; and therein to intitle the King, *de jure*, to a more Extravagant Authority, than ever the Pope himself, I believe, with all his Plenitude of Power, *de facto* exercised, or claimed. But surely this is a Doctrine of too great Importance to be established on so slight a bottom : and of such dangerous consequence to the Church, that nothing less than the Universal Practice of the Church can sufficiently authorize it. The Doctor may remember, when he wrote against *Prayers for the Dead*, in a late Reign, his way of arguing was, that Doctrines of that weight were not to be built on the Figurative *Apostrophes* and Rhetorical Flights of the Fathers : but now he is of another mind ; every Submissive word, every Respectful Form of Expression that he finds to have dropped at any time from the Mouths of the Members of a Synod, when addressing to

\* See p. 92.

† Ibid.

their Prince, is Ground sufficient to rear a proof of his Prerogative upon. But thus it is, when Princes are to be complimented at the Expence of their Subjects Rights, Compliments shall pass for Arguments!

As Dr. Wake has furnished himself with a Plea for the boundless Authority of Sovereigns in Church-matters, from such Extraordinary Acts of Power, as have been submitted to in good Princes; so can he argue as well from the Unjust and Violent Encroachments of Ill ones. Henry the Eighth was such, if ever any Prince upon Earth was; and Sir Walter Raleigh therefore says of him, that, *if all the Pictures and Patterns of a Merciless Prince were lost in the World, they might all again be painted to the Life out of the Story of this King* \*. And yet the Acts of this King, the most Exorbitant and Oppressive Acts of Power which he exercised towards the Clergy, are produced by Dr. Wake as good and lawful Precedents, which all his Successors are allowed and incited to follow. Particularly that Instance of his *Correcting and Amending* the Determinations of the Clergy in Synod, even upon Doctrines of Faith, is given us † without any Intimation that such a practice exceeded the Bounds of the Kingly Power. And in this he is followed by Mr. Nicholson ‖. And both these Gentlemen are so eager to assert this Power to the Crown, that they have not given themselves leisure to inquire how far the Authorities they in this case cite, are to be depended on. Dr. Wake quotes my Lord of Sarum for it, whose words are, "These Articles [in 1536] being thus conceived, and in several places corrected and temper-  
ed

\* Pref. to  
his Hist. of  
the World.

† See pp.  
136, 137,  
138, 139.  
‖ Hist. Lib.  
Fol 3. P.  
196, 197.

ed by the King's Own Hand were subscribed by *Cromwell* and the Archbishop of *Canterbury*, and Seventeen other Bishops, Forty Abbots and Priors, and Fifty Archdeacons and Proctors of the Lower House of Convocation \*. And in the *Addenda* to his first Volume †, his Lordship further says, that "He has had the Original, with all the Subscriptions to it, in his Hands. I have had it too, and can assure the Reader, that there is not a single Correction by *Henry* the Eighth's hand, or any others, in that Original. 'Tis a Copy fairly Engrossed in Parchment ||, without any Interlineations or Additions wherever. My Lord *Herbert* indeed, who is Mr. *Nicholson's* (and I suppose my Lord of *Sarum's* \*) Authority, says, that "the Bishops and Divines who consulted upon these Articles were divided in their Opinions, some following *Luther*, and some the Old Doctrine; whose Arguments on either side the King himself took pains to peruse and moderate, adding Animadversions with his own Hand, which are to be seen in our Records †. But these words I must be bold to say, are mistaken both by my Lord Bishop, and Mr. *Nicholson*, if they infer from thence, that the King made any Alterations in the Articles after they were drawn up; since the *Animadversions* plainly were, not on the *Articles themselves*, but on the *Arguments* urged on either side of the Questions determined in 'em. *L. 3*

\* *Hist. Ref.*  
Vol. 1. p.  
217.  
† P. 364.

|| See it  
*Eibl. Cotton.*  
*Cleop.*  
L. 5.

\* I suppose so, because my Lord of *Sarum's* account of the Subscriptions is exactly the same as my Lord *Herbert's*, and with the same mistakes: no Deans being mentioned by either; nor any Consideration had of those of the Lower House, who subscribed in double Capacities; which makes the Subscriptions more numerous than they are represented to be.

† *Hist. H.S.*  
p. 469.

These

These Arguments, or Opinions, were, it seems, according to the known way of that time, offered in Writing, and subscribed by the Parties maintaining 'em: And the King took upon him to temper and soften the Expressions on either side, till he had brought both to a Compliance. But this is a very different thing from his *Correcting* and *Amending* the Articles themselves; even as different, as assisting in the Debates of a Synod, before the Conclusion is formed; and altering the Conclusion it self, after it has been unanimously agreed on.

This is truly the Case of those *Amendments* of *Henry* the Eighth, which *Dr. Wake* is so full of: However had it been such as he represents it; yet no Argument of *Right*, I say, can be advanced on such *Facts* as these; and it had become *Dr. Wake* therefore, when he related 'em, to have told us withal, that they were unjustifiable. Many of the Actions of that *Supreme Head of the Church* were such, as cannot justly, (and will therefore, I hope, never) be imitated by any of his Successors. For instance, he made his Bishops take out Patents to hold their Bishopricks *at pleasure*; tho' I suppose my Lords the Bishops that now are, do not think such a Power included in the Notion of the King's Supremacy.

*William* the Conquerour is another of the Pious Patterns he recommends; *who would suffer nothing*, he says, *to be determined in any Ecclesiastical Causes, without Leave and Authority first had from him*\*: for which he cites *Eadmerus*; and might have told us from thence, if he had pleased, more particularly, that he would not let any of his Noblemen, or Ministers, tho' guilty

\* P. 179.  
& L.M.P.  
P. 34.

ty of Incest, and the Blackest Crimes, he proceeded against by Church-

Censures and Penalties \* ;

that he made his Bishops, his Abbots, and Great Men out of such as would be sure to do every thing he desired of 'em ; and such, as the World should not much wonder at for doing it ; as knowing, who they were, from whence

he took 'em, and for what end he had raised 'em : and that all this he did, in order to make way for his *Norman* Laws and Usages, which

he resolved to establish here

in *England* † : This I say, and

more than this he might have

given us from the very Page

of *Eadmerus* he mentions : by

which it is clear, that that

Prince was as Absolute in Ec-

clesiastical as in Civil Affairs :

and his Acts therefore are, I

hope, no Precedents to any

of his Legal and Limited

Successors. His Present Ma-

jesty is not *William the Con-*

*querour* ; and can no more, by

our Constitution, rule abso-

lutely either in Church or

State, than he would, even if he could : His

*Will and Pleasure* is indeed a Law to All his Sub-

jects ; not in a Conquering sense, but because

his Will and Pleasure is only, that the Laws of

our Country should be obeyed ; which he

came over on purpose to rescue, and counts it

\* Nulli Episcoporum permittebat ut aliquem de Baronibus suis, seu Ministris, sive Incestu, sive Adulterio, sive aliquo Capitali Crimine denotatum publice, nisi ejus praecepto, implacitaret, aut Excommunicaret, aut ullâ Ecclesiastici rigoris poenâ constringeret. *Eadmer. pag. 6.*

† Istus atque Leges quas Patres sui & ipse in *Normanniâ* habere solebant in *Angliâ* servare volens, de hujusmodi Personis Episcopos, Abbates, & alios Principes per totam terram instituit, de quibus indignum judicaretur, si per omnia suis Legibus, postpositâ omni aliâ consideratione, non obedi- rent, & si ullus eorum pro quavis terrenâ potentia caput contra eum levare auderet ; scientibus cunctis Unde, Qui, & ad Quid assumpti sunt. Cuncta ergo Divina & Humana ejus Nutum expectabant. — *Ibid.*

His Great Prerogative to maintain : and contends therefore, I doubt not, such sordid Flattery, as would measure the Extent of His Supremacy from the Conqueror's Claim.

Intimations of this kind have been thought so Heinous as to be purged only by Fire ; a Punishment which our Gentle Laws, tho' they have taken it off from Men, have still reserved for Books, and applyed it now and then to repress a State-Heresie, and secure the Fundamentals of our Constitution, against All its Underminers.

This Conqueror, and his Family are much in request with our Writer ; and agen therefore of his Son *William Rufus*, he tells us (not without a Glance on more Modern Times) that *he would suffer no Ecclesiastical Synod to be held during the thirteen years of his Reign* \* : But let me ask our Man of History, which of all those Historians in whose Works he has so happily spent his *Researches*, represent this part of *Rufus's* Character to his advantage ? which of 'em that mention the thing, do not also complain of it, as one of the Greatest Hardships of that Cruel and Oppressive Reign ? and to be ranked with that other Righteous Practice of his, by which he kept Vacant, and set to Farm all the Bishopricks and Abbies, as they fell, and had by that means, when he died, no less than Twelve of them in his Hands † : and of these the small Bishopricks of *Canterbury*, *Winchester*, and *Sarum* were Three. These are sad Stories, but (God be thanked) they were done a great while ago, and do not therefore much concern us. For we live now neither under *William* the First, nor *William* the Second, but

\* *Foruall.*  
apud X.  
Script.  
Col. 996.

but under *William* the Third : A short Answer to an Hundred such Old Tales as these ; but every good *Englishman* will think it a full one. Less have we to do with his Outlandish Instances of Ecclesiastical Tyranny ; such as the Dealing of *Constantius* was with the Council of *Ariminum* : A very Righteous and Laudable Act which *Dr. Wake* proposes for the Instruction of future Princes ; and was, as follows : When the four Hundred Fathers assembled there, had finished the business for which they met, and determined the disputed Points clearly against *Arius*, they begged of *Constantius*, that they might return home, and attend their Flocks : but he refused 'em, ordering his Officers to keep the Synod together by force, till they had revoked their former Decision, and subscribed an *Arian* Form that he transmitted to them ; upon which, those who were resolved not to comply, made their Escape as well as they could, and even without his Permission went back to their Dioceses. But *Constantius* not having given them his Leave, neither will *Dr. Wake* give them His ; and does as good as say, they did ill to separate without the Emperor's Order, and deserved his *Resentments* for so doing \*.

I know in his *Appeal* † he pretends to soften this Censure, and to take off several Invidious Instances of the same kind, by saying, that we are to distinguish between what he relates as matter of History, and what he delivers as his own Opinion. But how should the Reader distinguish, where the Writer does not ? nay, where the Writer has left no possible room for a Distinction, tho' the Reader should be never so willing to employ

\* See p. 77.

† P. xviii.



ploy it ? For it is certain that Dr. Wake produces these *Facts*, purely to establish *Rights* upon them ; and having laid down his Historical Grounds therefore does, in every Instance, proceed to draw his Conclusions from them : particularly in This we are upon [the Instance of a Tyrannical Power exercised by *Constantine* over the Fathers at *Rimini*] ; after he has told the Story, and added Two other accounts of the Imperial Authorities exerting it self on the like Occasions, he thus concludes: *It is therefore the Duty of All Synods, as they are convened by the Prince's Authority, so to tarry, till they have the same Authority for their Dissolution* \*.

\* P. 79.

Let him not hope then, after amassing together all the Instances of an Ungodly Usurpation in Princes upon the Liberties of the Church, to come off by saying, that we are to distinguish between what he relates as matter of *History*, and what as matter of *Opinion* ; and by leaving it in his own Power afterwards to apply this General Plea to any particular Instances in his Book, as he shall have need of it ; for these Two in Works of this Nature cannot be separated. Where an enquiry is made, what Princes *may lawfully do*, and in order to it an History drawn up of what they have *actually done* ; there all the Accounts the Historian gives us of their Acts he must be supposed to approve too, unless he has taken care to warn us to the contrary, and to express his Abhorrence of them. Should a Man pretend to mark out the Bounds of the King's Prerogative in Civil Affairs, and to that End deduce an account of all the most Arbitrary and Illegal Acts of our Princes, by which they have

trampled

trampled on the Liberties of their Subjects, and the Power of Parliaments; would it avail him afterwards, in abatement, to say, that he intended these Instances by way of *History* only, and not to express his *own sense* of things; when his own sense of things is manifestly built on those Historical Accounts, his Conclusions deduced from them, and supported by 'em? Such a poor Excuse would not be admitted in behalf of such a *Chronique Scandaleuse*; Every Good *Englishman* would still see through, and detest the Design; and the Author, under all his shifts, would be as scandalous as his History. But to proceed in our Remarks. I observe,

V. That Dr. *Wake*, in his accounts of Ancient Councils often confounds two things that are widely different, the Prince's power of *proposing* any Subject of Debate to his Synods, and his Power of *confining* 'em to debate of nothing but just what he proposes. As to the First of these, *no-body* questions the Prince's Right in all Synods, from the Greatest to the Smallest: but as to the Latter, he has neither Right or Practice on his side; not even in the most General Councils (where the Civil Authority always exerted it self most), whatever Dr. *Wake* may pretend to the contrary. 'Tis true, in those Larger Synods, which met at the Call of Princes, upon Extraordinary Occasions, the way generally was, that the Business for which they were called should be first handled: and from the Acts of those Councils it appears, that the Emperor, or his Commissioners, interposed sometimes to prevent their entring on any

any foreign matter, till That was dispatched ; call'd 'em back to it, when they wandered ; and made 'em begin their Debates anew, when they had proceeded irregularly. But after This was over, that they never entred on any new Point without his exprefs Direction, and in every step of their other Debates expected his Order, is an Assertion worthy of Dr. Wake<sup>†</sup>, and every way becoming his Cause and his Character. Let us see how he proves it : He instances first in the Great Council of Nice, whose *Acts* were either never drawn up in form, or quickly lost ; and one would think it therefore pretty difficult to give a Punctual account of their manner of Proceeding : But Dr. Wake, by the help of some History, and more Divination, ventures upon it ; “ It was called, he says, to restore the Peace of the Church which the Heresie of *Arius*, and the Oriental and Western Churches about the time of keeping *Easter* had so dangerously broken ; and *Eusebius* tells us, that *Constantine*, at the opening it, earnestly exhorted the Bishops, by their wise Resolutions to settle all things in Quiet and Uniry. And accordingly (says he in his new manner of Speech) the Subject of their Debates turned upon these Two Points. But his History is every whit as new as his Language : for it has been hitherto thought, that (the Subject of their Debates, or rather) their Debates had turned on several other Points, beside these Two, particularly, that there were Twenty Canons framed and published by them ; and, whatever becomes of the *Arabick* ones, yet that these were of confessed Authority.

† See p. 48.

P. 48.

riety. And as willing as Dr. *Wake* is to overlook these Canons, I must take the liberty to put him in mind of them, especially of the Fifth, which provides for the frequent Sessions of Provincial Councils; without any Previous Application to the Emperor for his Leave to make such Provision. Nay, I find not in any of these Canons a word mentioned, either of the *Arian* Controversie, or that about *Easter*; the Decision of which was comprized in their Synodical Epistle: Does the Doctor think that they debated on nothing but what was the Subject of that Letter? or has he some secret History of their Acts, by which he can prove that *Constantine* offered these Canons to 'em ready drawn up, and that they passed the Synod by way of form only, without being discussed? If he can make this out, the Instance will be somewhat to his purpose; otherwise, it is fit to keep Company with those that follow.

\* *Viz.* the Instances of the two General Council of *Ephesus* \*, and *Chalcedon* †, where the Roman Emperors had their Commissioners to preside in their stead. They had so; but in what manner, and to what Ends, let those Emperors themselves, in their Commissionall Letters speak: it was *ad id quod esset in consilio*, to secure Order and Regularity in their Proceedings, and with an Express Prohibition of their interposing in Matters Doctrinal, and such Points as were properly of Church-cognizance. This is so beaten a Theme, and the Answers to these objected Instances are so well known, that I should be ashamed to give 'em, were I not obliged to it by Dr. *Wake*; who is not ashamed to produce the Instances themselves

\* P. 49.

† P. 51.

selves without taking any notice of the Answers that have been an hundred times over made to 'em.

Our Learned *Mason* long ago thus accounted for these very Instances: The Lay-Presidency, he says, in these Synods of *Ephesus* and *Chalcedon* was made use of for four Reasons.

(1.) To hinder Strangers, who flocked thither and had no Right to Vote, from breaking in upon the Assembly.

(2.) To keep all the Members of the Synod together, till they had dispatched the business for which they met.

(3.) To see that Business first concluded, before any new Point was started, and pursued.

(4.) To take care, that the private Piques and Resentments of any of the Members should not interrupt the Publick Work.

These were the Chief Ends, for which the Emperors had their Commissioners at those Meetings; and not, for the proposing to the Fathers the several successive Matters which they were to Deliberate on; much less, for the *Confining 'em to deliberate on nothing but what they proposed.* So far was that from being the

Case, that the Eighth Canon of the *Ephesine* Council [occasioned by a Dispute about the *Cyprian* Privileges] was plainly brought in, debated, and concluded, by the Synod, without the least Interposition of the Civil Power: And which of the Thirty Canons passed by the

\* A.C. 15.

Council of *Chalcedon* \* were not so, I desire *Dr. Wake* at his Leisure to inform us; and withal, with what assurance he could say, that every New Matter [in that Council of *Chalcedon*] is Prefaced with this Declaration,

“ that

“that they had obtained leave of the Emperors  
 “for the Fathers to consider of it; and that the  
 “Emperors Orders were delivered to the Pag. 51.  
 “Commissioners, to authorize the Bishops to  
 “enter upon it.——When not one of these  
 Thirty Canons were thus Prefaced, or authori-  
 zed? tho’ some of them were of the Greatest  
 Weight and Consequence; particularly the 28.  
 which put the See of Constantinople upon the  
 Level with that of Rome; and which the Fa-  
 thers were so far from being authorized before-  
 hand to Treat on, and to pass, that the Com-  
 missioners knew nothing of it till it had passed;  
 and had it therefore read to ’em at their next  
 Meeting, in order to their considering, and ap-  
 proving it.

To support this Gross Falsity, he quotes the  
 7th. 9th. 10th. and 11th. Actions of this Synod,  
 where the New Matter, on which their De-  
 bates proceed, is, he says, *Prefaced with the Empe-  
 ror’s Leave*; but it was not to his purpose to speak  
 more plainly. For that New Matter was such,  
 in which, it is likely, the Emperor had before-  
 hand been apply’d to, and interested himself:  
 in which case, it was decent, if not necessary, to  
 have his Consent, before it was presented to  
 the Synod. It related to some Bishops, who had  
 (as They urged) been Un canonically deprived,  
 and had probably sought the Emperor’s Prote-  
 ction in the case. When the Council sat, he re-  
 ferred ’em thither for Justice; and they might  
 therefore, on this account, fitly mention the  
*Imperial Leave*, when their Business first came  
 on. But let this be as it will, it is a Point of  
 Juris-

*Jurisdiction*, with which we are not at present concerned: The Canons of that Council it is certain had *New Matter* in them; and it is as certain, that none of that *New Matter* was *Prefaced with the Emperor's Leave*; and how Dr. Wake came to forget, both these and the *Nicene Canons* is matter of wonder. I had thought, the Decrees of Councils were the most Important and Sacred Part of their Acts; especially the Decrees of those four first General Councils, for which both the Church, and the Law of England \* have, and have always had a particular Veneration.

\* Canon.  
 \* *Elfrici*.  
 Can. 33.  
 1 Eliz.c.1.

But of All the Instances he has pitched upon to shew, that Synods can debate of nothing but what the Prince particularly proposes to 'em, commend me to those he urges (P. 54, 55.) from the Practice of *Carloman*, at the Synod of *Leptines*, and of *Arnulph*, at that of *Trebur*. The first of these says, he had call'd his Clergy together to advise him how the Law of God, and the Religion of the Church, which had been suffered to fall into such decay, in the days of his Predecessors, might be restored. The second desires them to consider what they thought was needful to be done, for the Reformation of Mens Manners, for the Security of the Faith, and for the Preservation of the Unity of the Church. How could these Emperors possibly have expressed themselves in words that left their Synods more at large, or gave greater Scope to their Debates than these do? which yet Dr. Wake produces on purpose to shew, that the Prince prescribed to them the Particular Points, on which they were to proceed. These are Ill Proofs indeed; but pity it is, that such Bad Notions should ever be supported by better,

Under



Under the Prince's Power of suggesting any Subject of Debate to a Synod, I comprehend also his Power of proposing the Draught of a Canon to them; for that too he has sometimes done; but without confining 'em to pass such Canons in the Form prescribed: which I conceive, he has never done, nor has any Right to do, tho' Dr. Wake gives us very Broad Hints that he thinks otherwise; and to that End produces the "Three Ecclesiastical Constitutions which Marrian delivered to the Fathers of the Fourth General Council at Chalcedon ready drawn up, to be approved by them; and they all (he says) gave their Unanimous Assent to 'em". But he tells \* P. 65. us not, as he might, that the Matter of these Canons was of such a mixt nature, as made it proper for the Emperor to interpose in them: nor does he inform us, with what words of high Respect and Deference he offered 'em to the Synod. There are (says he) Three Points which in Honour to your Reverences we have reserved for you; judging it fit and decent, that they should rather be by You in Synod Canonically desired, than Enacted by our Temporal Laws †. And in what manner the Synod passed 'em is worth our notice: for it was neither in that Order, nor exactly in those Terms in which they were proposed. And one of them they put into different words, without any the least alteration of sense, merely, as it should seem, to keep free of an Ill

M

Pre-

† Τὴν δὲ κατέλαβεν, ἀνα-  
γὰν παρὰ τοῦ ὑμετέρου ἐπα-  
βίας ὑμῶν ἐκράδαμεν, πρί-  
ντος ὑποδείματος πρὸς ὑμῶν  
ἐκδοῦναι καὶ ἐκδοῦναι καὶ  
ἐκδοῦναι, ἀντὶ τούτου διακρί-  
ναι ὑμετέρου. Act. 6.

|| The second.

Precedent, which by receiving the Emperor's Form they might have brought upon themselves. So that this is a much better Proof, that the Emperor *could not* prescribe the Form of a Canon to them, than that he *could*.

Nor are his *English* Instances of this kind more to his purpose: "Some of our Princes (he says) "have not only prescribed to their "Convocations what they should go about, "but have *actually drawn up before-hand* what "they thought *convenient* to be established, \*P. [110.] "and have required them to approve of it †.

And for this he vouches King *James's* Letter to the Convocation in 1603, "together with "which he sent them the Articles of 1562, "to be approved by 'em. A notable Instance of the Prince's Power *actually to draw up before-hand* what they think *convenient* to be established by their Synods! because King *James* sent a Message to one of 'em, about Confirming the Thirty nine Articles, which had been *actually drawn up* by another Convocation, forty years before that Message was sent.

And that this Point may be sure to be well proved, he adds a Second Instance of it, every whit as concluding as the Former, "The same "Prince, he says, to *another Convocation*, about "four years after, signified his Pleasure for "Singing and Organ-service to be *settled* in "Cathedral Churches, without submitting it "to their judgment, whether they approved "it, or no †. † Ibid. He tells us not from whence he drew either this, or the former particular, and so I am not able to say how he has disguised them. But taking this last as he has represented it, clear it is that the King in this

case

case did not form, or draw up any thing beforehand for the Convocation to Sign, but only suggested the Matter of a Canon to them; and of such a Canon, as (if necessary) there was no doubt of their agreeing unanimously in, since it was only to confirm a received Practice: and therefore if he did not ask their Approbation, it was because he was sure of it.

Dr. Wake is in this Observation all over Mistake: For whereas he calls this Another Convocation from that in 1603, it was certainly the same; That in 1603 being by Prorogations continued from Time to Time for seven years together, as his own words are, a few Pages afterwards \* \* P. 143.

Nor could the Import of this Message well be the Seeking of Singing and Organ-service in Cathedral Churches; for it

was settled there long before †. Only King James, I suppose, recommended to em the framing of a Canon in behalf of what was hitherto authorized by Practice alone, and by the Queen's Injunctions ‥. But this the Synod thought needless, the Thing being otherwise so well established already; and therefore framed no Canon concerning it.

How Ridiculous then is it in Dr. Wake to say, that the King signified his Pleasure to them in this matter, without ever submitting it to their Judgment whether they approved it or no? when the Event shews, that they disapproved, and did not comply with the Motion: for I never heard of any such Canon in behalf of Singing, and Organ-ser-

† At the Reforming of the Church, not only the King's Chappel and all Cathedrals, but many Parochial Churches also had preferred their Organs, to which they used to sing the appointed Hymns, i. e. the Te Deum, the Benedictus, the Magnificat, the Nunc dimittis, &c. performed in an Artificial and Melodious manner. — Heylin. Hist. of Presbyt. p. 226.

‥ Sparrow, p. 80.

vice ; and which is more, Bishop *Sparrow* never heard of it neither. If this Message therefore make any thing for the King's Power of Proposing, it makes as strongly for the Clergy's Priviledge of denying, if they think fit ; which is the very thing Dr. *Wake* is endeavouring in this place to deprive them of.

VI. A Sixth Observation I have to offer on Dr. *Wake's* way of managing this Controverſie is, that Those very Acts of Authority which were exercised by Princes in Ecclesiastical Matters, to support and corroborate the Churches Power, are by Him perversely made use of to undermine and destroy it. He finds that the Canons of the most General Councils have been confirmed by the Civil Power, and confirmed at the Instance and Petition of the Synods themselves\*. And from hence he infers therefore that their Definitions are no farther Obligatory, than as they are ratified by the Civil Authority†. And this Point he is so sure of, that he conceives it to be allowed on all hands ; whereas I on the contrary conceive, that it is allowed on no hands ; and is a Conclusion I am sure, that neither agrees with the Principles of our Church, nor can ever be drawn from the Premises on which he pretends to establish it.

If this Doctrine be good, then is that of our Twentieth Article stark naught, which determines, that the Church hath Power to decree Rites or Ceremonies, and Authority in Matters of Faith. But how has she Power and Authority to this purpose, if her Synodical Decisions are in no case

case farther Obligatory, than as they are ratified by the Civil Authority? The Magistrate at this rate, will have Power, but the Church her self can have none. For she speaks only by her Synods; in matters of this nature: and if therefore her Synodical Decrees have not any Authority of their own, till confirmed by the Prince, then under an Heathen or Heretical Prince, the Church has not, I say, any Authority, tho' the Article expressly says, that she has.

It is very observable, that Dr. Wake has not in either of his Books mentioned this Article; which yet surely in a Controversie of this nature deserved to have been taken notice of. Such an Omission could not be by chance: and we must believe therefore, that he is of the Opinion of those Back-friends of ours in Charles the First's time, who would allow the former part of the Article no more Authority than Dr. Wake allows to the Church; but said it was deceitfully inserted by Archbishop Laud, and wanting in the Original. He might be ashamed to take up with this Reproach, after that Solemn Appeal, which the Archbishop in his Speech in the Star-chamber \* made to the

Records of Convocation, for the disproof of it. If he have any Suspicions still left in this matter, my Lord of Sarum, in his Late Exposition †, will clear them. In the mean time let me put him in mind of the Fate of Dr. Mace-

ket's Book de Doctrina & Politeia Ecclesie Anglicane ‡, which tho' writ by Archbishop Abbot's direction, yet was Burned publickly; and that chiefly on the account of this very Omission, if Dr. Heylin's History ∴ may be relyed on.

\* Anno  
1637. See  
Heylin's  
Life of  
Laud, p.  
339.  
† P. 26.

‡ In 4to.  
London,  
1617.  
∴ Life of  
Laud, p.  
76.

But how comes he to dream it to be *allowed on all Hands* that Synodical Definitions are no farther Obligatory than they are ratified by the Civil Power? What Church upon Earth ever determined or allowed this Doctrine? Because the Fathers of many Synods desir'd the Prince, under whose Direction they met, to inforce their Decrees by Civil Sanctions and Penalties, does it follow, that therefore these Decrees without the Addition of the Civil Sanction would have had no Authority, no Force to oblige the Consciences of Christians? Does the Subsequent Authority destroy the force of the precedent one? Is the one of these lost and swallowed up in the other? At this rate, what will become of Excommunication, when confirmed, as it is here with us, by a Civil Penalty? Has the Church Sentence in this case no Authority, because the Writ *de Excommunicatione capiendo* is linked to it, and issues out upon it? Such arguing would have become a Disciple of *Erasmus* much better than a Son of the Church of *England*.

But he will tell me Canons lose no Authority in this case which they ever had, because indeed they never had any: the Great Privilege of the Church being only to prepare Draughts of Canons, and *Dead Matter* as it were for the Royal Stamp afterwards to put Life into. But if so, How shall we account for the Acts of Church-power exercised by Synods, from the first Planting of the Christian Religion, till the Empire turned Christian? It is plain, that the Governours of the Church for three hundred years before the Civil Power came in to assist them, met in Synods, and made



made Laws, which were universally submitted to, not only as *Councils* or *Advises* proceeding from Men whose Character was had in great Reverence, but as the Commands of Lawful Superiors towards their Spiritual Subjects: and as such, they were understood to oblige the Consciences of all good Christians in those Ages. And if they had such an Authority before *Constantine's* time, how came they to want it afterwards? As the Church could get no New Power by coming under the Protection of the State, so how does it appear that she lost any Old one? The Emperors indeed by turning Christians gained something, to wit an Interest in the management of Ecclesiastical Affairs: but their Gains were not built on the Church-Governours Losses; the Power that by this means accrued to 'em was *Accumulative* not *Privative*; i. e. it gave them some Authority which they had not, but it took not that away which the Spiritual Pastors and Governours had. A Distinction; that I am not afraid to make use of, notwithstanding the Quarter it comes from!

If Dr. *Wake* therefore denies the Definitions of Synods [held under the Civil Power] to have any other Authority than what they derive from that Power, he by consequence denies that the *Ante-Nicene* Fathers assembled in Synod, had any Right to prescribe Rules to those Christians that lived within the District over which they presided; or that those Christians were bound to obey 'em: He affirms in effect the several Canons that these Assemblies passed, the Censures that they pronounced, all the Acts of Synodical Authority which they



exercised to be in themselves Null and Void, and mere Usurpations upon the Liberty of Christians. And whether he will take up with these Scandalous Notions, or not, we shall see, when he blesses the World with his Next Performance; Sure I am that without 'em, his Scheme cannot be consistent, and of a piece.

Agan, Dr. *Wake* is also very faulty on this Head, when in order to depreis the Power of the Church, he promiscuously enumerates all the Laws, framed by Princes about Ecclesiastical Affairs, without informing us which of those Laws only traced the steps of precedent Canons, and which of them proposed New Matter of Obedience, *beside, or contrary* to those Canons; which would in this case have been a very Material and Pertinent Distinction. He is full of the Edicts relating to Church-matters, that are to be met with in the Code of *Theodosius*, the Code and Novels of *Justinian*, &c. \* But it would have been very honest of him here to have told us (as the Truth is) that there were scarce any of these Edicts, to which some Canon had not beforehand led the way; and that All therefore that those Princes generally did, was to re-enact by the Civil what had been before enacted by the Ecclesiastical Authority; and to give the Church Decisions more weight and force by inserting 'em into the Body of the Imperial Laws, and annexing further Penalties to the Breach of them. This is so certain and known a Truth, that even at this day we can point out the several Canons upon which almost all the Civil Constitutions of those Princes were founded;

founded; and in which the matter of 'em was either particularly and in Terms, or at large, and in general determined. And if in some few Instances we should not be able to do this, what wonder is it? when it is considered at what a Vast Distance of Time we live from the first Rise of these things, and how many Antient Church-Monuments that would have given light in these matters, have in the course of so many Ages perished? *Justinian* in his Laws appeals frequently to the Canons, and professes to follow them\*.

And by this Pattern the *French* and *German* Princes in after-times framed their *Capitularies*, taking the Subjects of them from the Resolutions of antecedent Synods †, and even referring themselves thi-

\* Nov. 6. c. 1. Ibid. §. 8. Nov. 58. sub finem. Nov. 123. c. 36.

† Decrevimus juxta Sanctorum Canonum Regulas—  
Caroloman. in Syn. Leptin. Anno 747.

ther, for the more clear understanding of what their Law only briefly and in General delivered||. A || P. 91.

Truth so Notorious, that *Dr. Wake* himself durst not dissemble it! And it would puzzle a man therefore to shew, how such Laws should any ways derogate from the Authority of Synods, which they took their rise from, and were made on purpose to support, and confirm. I must put the Doctor in mind here of a way of arguing made use of by one of his Seconds in this Controversie, where he is disputing against the Universities Authority to declare Heresie: there he lays down this Position; That, "the Convocation of the University of Oxford have never forbid any Doctrin to their Scholars, before that very particular Doctrin was first declared Erroneous, or Here-

\* L. M. P. " Heretical by some Persons who were then  
 p. 69. " reputed to have Power to declare Heresie \*.  
 The Truth of this Assertion I at present trouble not my self with ; but supposing it true, the Inference that arises from it has weight, I own ; and when applied to our Present Argument, is of use to inform us, what Secular Decrees in Church-matters are no ways prejudicial to the Power of the Church, and the Authority of Synods. And this was an Head, I say, upon which Dr. Wake should have explained himself largely and openly, if he had intended a fair state of this Controversie, or had had any other New in what he wrote than merely to serve a Turn, and to advance some colourable kind of Plea for a Practice, which, if he knew any thing of these matters, he must know, was indefensible, and be writing all the while for his Point, against his Conscience ; and if he knew nothing of it, with what Conscience could he undertake to determine it ? These are words that I do not easily persuade my self to bestow on any Man : but his Gross Prevarications and Disguises of Truth in Doctrines of so great moment, wherein the Interests of his Order, and of Religion are so nearly concerned, force this hard Language from me.

† Num.  
 viii.

Nor stops he at General Reflections in this case, but brings them home also to our own Church and Constitution ; pretending in his Appendix † to give us an Abstract of several things relating to the Church, which have been done since the 25 Hen. 8. by Private Commissions, or otherwise, out of Convocation. In which Abstract many of the Points mentioned had certainly the

the Authority of Convocation, tho' he would  
fain have us believe they had not; and that, an-  
tecedently to the Civil Injunction: Others  
are such Acts of Ordinary Power, as by the  
consent of All Churches and Parties of Men  
every Christian Prince is confessedly intitled  
to: and some few perhaps might be owing to  
the Necessity of Affairs which would not then  
admit of more Regular Methods; and should  
not therefore be vouched as reasonable Prece-  
dents, and settled Rules and Standards of act-  
ing in more quiet times; which is manifestly  
Dr. Wake's End in producing them.

The Reader must forgive me, if I detain  
him so long, as to run through the Particulars  
of this List, and shew upon each of 'em, how  
far the Ecclesiastical Power concurred and led  
the way to it. It will be a dry unpleasing Task,  
but is of use to clear the Orderliness of some  
steps taken in those times, which are generally  
misunderstood; and is necessary to wipe off the  
Dirt thrown by Dr. Wake on the *English Refor-*  
*mation*: the Process of which, I am satisfied,  
was very Regular, and Canonical in most Ca-  
ses, tho' in some, by reason of the Loss of Re-  
cords, it cannot easily be proved so. Of this  
we are in General assured by such as lived at  
the time when those Records were in being,  
particularly by Sir Robert Cotton, and Mr. Fuller.  
The first in his *Posthuma* \*, has these words, \* P. 215.  
“ If any shall object that many Laws in  
“ Henry the Eighth's time had first the Ground  
“ in Parliament, it is manifested by the Dates  
“ of their Acts in Convocation, that they All  
“ had in that place their first Original. The  
“ Latter speaks, as follows: “ Upon serious  
“ Exami-

\* Church-  
Hist. xvi.  
Cent. p.  
188.

† P. 35.

‡ Asserti-  
on of  
True and  
Christian  
Policy.  
P. 168.

“ Examination it will appear, that there was  
 “ nothing done in the Reformation of Reli-  
 “ gion, save what was acted by the Clergy in  
 “ their Convocations, or Grounded on some  
 “ Act of theirs precedent to it, with the Ad-  
 “ vice, Counsel and Consent of the Bishops,  
 “ and most Eminent Church-men ; confirm-  
 “ ed upon the *Post-fact*, and not otherwise ;  
 “ according to the Usage of the best and pu-  
 “ rest Times of Christianity \*. To which I  
 “ shall add the Testimony of one, who must be  
 “ allowed a Good Witness in this case, my Lord  
 “ of *Sarum* : He assures the *Bishop of Meaux*, in  
 “ the Answer he made to his *Variations*, that  
 “ Our Parliaments and Princes have not med-  
 “ led in matters of Religion any other way, but  
 “ that they have given the Civil Sanction to  
 “ the Propositions made by the Church : and  
 “ this is that which Christian Princes do in all  
 “ Places †. And in 1604, I find a *Puritan*  
 “ Writer making this Challenge : “ Let them, if  
 “ they can, shew any one Instance of any  
 “ Change or Alteration, either from Religi-  
 “ on to Superstition, or from Superstition to  
 “ Religion to have been made in Parliament,  
 “ unless the same freely and at large have been  
 “ first agreed upon in their Synods and Con-  
 “ vocations ‡. Which is no otherwise consi-  
 “ derable, I own, than as it comes from the Pen  
 “ of an Adversary. These are General Proofs,  
 “ which would go a good way towards setting  
 “ aside the Particulars in Dr. *Wake's Abstract*, if  
 “ we had nothing more to say against 'em : But  
 “ they shall be further and more distinctly con-  
 “ sidered.

The Doctor took 'em, he says, out of his Collections as they lay there : and for these Collections, I find, he scarce ever goes further than Bishop *Burnet's History of the Reformation* ; which tho' a very Excellent Work, and meriting the Thanks of *Parliament*, which it had ; yet, as to the Proceedings of *Convocation*, and the share which the Ecclesiastical Authority bore all along in those Changes, is extremely defective ; partly from the want of Records, and partly from his Lordship's omitting to set down All even of that Little that is left us, on this Head, in the Manuscript Memoirs of that time : So that it is no Proof that nothing was done by the Clergy in such or such a Case, because his Lordship says nothing of it. Besides, that History is by its very Method apt to mislead an unwary Reader in Enquiries of this nature ; the way of it being, to set down first the Proceedings of *Parliament* in every case, and then those of *Convocation* : which makes it look oftentimes, as if the *Parliament* had led the way to the *Convocation*, in their Debates, when the contrary to that is most certainly true ; and would have appeared so to be ; had his Lordship thought fit to follow the Pattern set by *Antiquitates Britannicæ*, and given the Precedence always to the Acts of *Convocation*, when the Business was first agitated there, and afterwards brought into *Parliament* : which, in a *Church-Historian*, had, I presume, been a method not improper or unbecoming. At least, since his Lordship could not but know, that our Reformation had suffered by being misunderstood in these respects, it might not have been amiss to have



have given us warning, when things were told out of the Natural Order of time in which they hapned, and in what Instances the Leading Steps were from the Convocation, tho' the Course of his History seemed to place the rise of 'em elsewhere. The want of this notice has occasioned Dr. *Wake's* mistakes in some cases, and in others he has not made use even of the Light which this History would have afforded him. I shall examine every Instance, any ways material, the *Injunctions* only excepted; which, it must be confessed, were by *Henry the Eighth*, and *Edward the Sixth*, in vertue of their Supreme Headship, and under the shelter of that Act, which made the King's Proclamations equal to an Act of Parliament, Issued out in a very Arbitrary manner; and continued so to be, as long as our Princes could in their High Commission-Court take notice of the Breach of them. But since that Court has been put down, and the Extraordinary Acts of Spiritual Jurisdiction, annexed to the Imperial Crown of *England* by the First of *Elizabeth*, Chap. 1. can now be exercised only in Parliament; how far any Royal *Injunction* is valid, unless where by the Advice of the Metropolitan it orders such things as that Act directs and allows, or seconds some Authentick Canon, or Received Practice; and whether it has any greater force in Ecclesiastical, than the King's Proclamation has in Civil Affairs, I leave to the Gentlemen of the Long Robe to determine. The Clergy, I am sure, are not the only Persons concerned in this point; for the Princes of those days carried their Power further than Them, and issued

out



out Injunctions alike for the Clergy, and Laity \*. If the Professors of the Law think that the Crown has still such a Power of sending out Commands at pleasure, the Clergy will, I dare say, be concluded by Their Opinion.

\* See Edward the Sixth's Injunctions, To all and Singular his Loving Subjects, as well of the Clergy, as of the Laity. Sparrow, p. 1. And Q. Elizabeth's, Anno 1559. Ibid. p. 65.

" An Abstract of several Things relating  
" to the Church, which have been done p. 391.  
" since the 25 Hen. 8. by Private Com-  
" missions, or otherwise, out of Convocation.  
25 Hen. 8. " Thirty two Persons appointed  
" to review, &c. the Canons of the Church,  
" and to gather out of them such as should  
" from thenceforth alone be of force  
" in it. See the Act. c. 19.

Dr. Wake might, if he had pleased, have said, See the *Petition of the Clergy in Convocation*, which preceded this Act, and wherein this Review of the Canons is by Them desired. What was done in this matter, was done at Their Instance, and therefore had Their Authority.

of 36. " Order for the Translation of the Bible. Burn. Hist. Ref. p. 195, 249, 302.

This too was in consequence of a Petition from the Convocation, a Memorandum of which is entered in their Acts Decemb. 19. 1534. Heylin seems to say, that it was put up by Both Houses. However that which came from the Upper House is still extant in a Cotton Manuscript †,

\* Reform. justified, P. 8.

† Cleopatra, A. 5. fol. 339. Script †: and in it the Bishops, Abbots, and Pri-  
ors request the Archbishop to be instant with  
the King, *Ut dignetur discernere quod Sacra  
Scriptura in Linguam Vulgarem Anglicanam per  
quosdam Praelatos & Doctos Viros per dictum Illustris-  
simum Regem nominandos transferatur.* And this  
Dr. Wake could not well be ignorant of, be-  
cause his very Guide in one of the places he  
himself quotes from him || on this occasion,  
mentions this *Petition* \*, as an Act of Both Hou-  
ses, and let's us know, the Translation of the  
Bible took its rise from it.

|| P. 195.  
\* But places it in  
1536. i. e.  
Two Years  
later than  
it was re-  
ally made.

1538. "Explication of the Chief Points in  
Religion, published at the Close of the  
Convocation, but not by it. *Ibid.* p. 245.

He means the Book called *The Institution of a  
Christian Man*; but mistakes both the Time of  
its coming out, and its Title, and the Authority  
by which it was published. And in the first  
and last of these that very Passage he cites,  
would have set him right, if he had heeded it.  
For thus it speaks: "Tho' there was no Par-  
liament in the Year 1537, yet there was a  
Convocation; upon the Conclusion of  
which there was Printed an Explanation of  
the chief Points of Religion, Signed by  
Nineteen Bishops, Eight Archdeacons, and  
Seventeen Doctors of Divinity and Law †.  
Here is no Intimation of its not passing the  
Convocation, but rather the contrary: Twen-  
ty five of the Lower House subscribing it:  
which might well be a Majority of the Mem-  
bers, when not many years before, in the great  
Debate about the Divorce of Queen Catharine,

† Hist. Ref.  
Vol. 1. p.  
245.

Twenty

Twenty three only (as we have heard already \*) were present; and Fourteen of these \* P. 53. Votes therefore made a Majority of that House. But *Heylin*, who had the Opportunity of examining the Registers, puts this matter beyond a Probability; for he speaks every where † of this Book as having passed the Convocation; † Ref. just. p. 11. & p. 549. and of these Twenty five as Subscribing it in the Name of all the rest of the Members. At least, if *Heylin's* word may not be taken for it, yet Dr. *Wake's*, I hope, may: And he, in his *Appeal* || calls the Clergy's Dedication of this Book || P. 28. an Address of the Convocation to the King; and says, it was Subscribed by both Houses.

1539. "A Committee of Bishops appointed by the Lords, at the King's Command, to draw up Articles of Religion. Ibid. pag. 256.

This was in a Preparatory way only, and in order to their being considered by the Convocation and Parliament. However this Committee did nothing ∴, and should not therefore be made an Instance of Things relating to the Church, done out of Parliament. And which is more, the Convocation did the very business, which this Committee was appointed to do; as we shall learn from the next Particular.

|| Bp. Burn.  
Ibid.

"The Six Articles on which the Act passed, brought in by the Duke of Norfolk, and wholly carried on by the Parliament. Ibid. p. 256, &c.

N

This

This is News to that Parliament, by which Dr. Wake lays it was *wholly carried on*; for They in the Preamble of the Act of the *Six Articles*, say, *That the King considering, &c. had caused his most High Court of Parliament to be Summoned; and also a Synod and Convocation of all the Archbishops, and Bishops; and other Learned Men of the Clergy of this his Realm.*—In which Parliament and Convocation, there were certain Articles set forth, &c. and after a great and long, deliberate and advised disputation and consultation had and made concerning the said Articles, as well by the Consent of the King's Highness, as by the Assent of the Lords Spiritual and Temporal, and other Learned Men of his Clergy in this Convocations and by the Consent of the Commons in this present Parliament Assembled, it was and is finally resolved, accorded and agreed in manner and form following †.

† 31 H. 8.  
C. 14.

We see these Articles were so far from being *wholly carried on* by Parliament, that the Parliament it self thought not fit to Enact 'em, without expressing in their Bill the previous Consent of the Clergy in Convocation.

Some Body seems to have told the Doctor thus much, before he wrote his *Appeal*; in a corner of which, among the *Errata*, he desires that *these four Lines may be blotted out*. Why he was so Particular in his Requests I cannot tell: but sure I am, that there are very few Lines in this whole Article of his *Appendix*, that do not deserve blotting out as much as They.

“ 1540. A Committee of Divines employed  
“ ed to draw up the Necessary Erudition  
“ of a Christian Man. *Ibid.* p. 286.

In saying they were employed to draw it up, he speaks unaccurately; for that implies it to be then first drawn up, whereas this Book was in the main the same with that which was published in 1537, under the Title of the *Institution of a Christian Man*. This I have already shewn, passed the Convocation: The Members of which, that were employed in composing it, do in their Dedication of it to the King, Most humbly submit it to his most Excellent Wisdom, and Exact Judgment—to be recognized, overseen, and corrected, if his Grace shall find any Word or Sentence in it meet to be changed, qualified, or further expounded, &c.

The Liberty thus given by the Clergy, was made use of by the King, who in 1540 committed it to several Bishops and Divines. (All Members of Convocation) to be review'd, and made afterwards some Alterations in it with his own Hand (to be seen still in the Original in Sir J. Cotton's Library \*) and finally published it anew in the year 1543 †, with this Title ||, *A Necessary Doctrine and Erudition for any Chresten Man, set furthe by the Kinges Majeste of England*. There is no mention here of

\* Heylin.  
Ref. justif.  
p. 549.

† There  
was an E-  
dition in

1540. which differs not considerably from that in 1543; and therefore I give no Distinct Account of it.

|| Which the Exact Mr. Nicholson has changed into a Necessary Defence for all sorts of People. *Hist. Libr. Vol. 3. p. 297*. Where he tells us also, that the King drew up these Articles in 1543; meaning, that he made some Marginal Amendments to the Book after it was drawn up. This he mentions as large, as an approved Instance of the King's Power in such cases without intimating his Dislike of it: and without letting us know (how should he? for he knew it not himself) that what the King did here, was not only at the previous Permission, but Desire of the Clergy; and was afterwards once again by them in Convocation confirmed. Such accuracy is there in the Accounts of Books given us by this Historical Librarian!

the Concurrence of the Clergy in Convocation to this Book ; and yet it is certain that all the new Alterations and Additions in it, as they sprang at first from a Request of theirs, so passed 'em agen solemnly afterwards. This ap-

\* Sess. 25. Apr. 25. Reverendissimus tractavit de Sacramentis (of which that Book treats at large) & ibi examinati sunt quidam Articuli.

Sess. 26. Ult. Apr. Reverendissimus exposuit Articulum Liberi Arbitrii (which is another Head there) ubi Prolocutor, &c. exposuerunt suas Sententias.

† Ibid. See also (in his Quinquartie. Controv. p. 569.) some other Passages out of the Acts of that Convocation, which prove manifestly that these Alterations underwent their Review.

appears from some short Memorandums \* of the Acts of Convocation in 1543, from Heylin's Express Testimony †, and from those words in the King's Preface prefix'd to the Book ; that he had set it furth with the Advice of his Clergy—the Lordes bothe Spirituall and Temporall, with the Nether House of Parliament, having both seen and lik'd it well.

“ Another Commission appointed to Examine the Rites and Ceremonies of the Church. Ibid. p. 294.

This Committee of Bishops and Divines, for reforming the Rituals and Offices of the Church, was setled at the same Time with That which reviewed the Institution ; and was composed therefore, as That was, of the Members (and probably of the same Members) of Convocation, which was sitting now at the Time, when this Committee was appointed ; as appears by the Subsidy \*, and the Sentence of Divorce †, that passed 'em, compared with the Act of Parliament of the same Session †, that mentions this Committee as sitting. From hence alone we might have been satisfied, that this Committee was empowered by the Convoca-

\* 32 H. 8.

C. 23.

† 32 H. 8.

C. 25.

† Rastall,

p. 690.

tion to act, had we no other Evidence for it. But, as it happens, we have : for in the short Remains of *Edward the Sixth's* first Convocation, this Committee is said to have met *ex Mandato Convocationis* \*.

\* In a Petition of theirs, where they

pray, Ut Opera Episcoporum & aliorum, qui alias *ex Mandato Convocationis* Servizio Divino Examinando, Reformando, & Edendo invigilarunt, proferantur, & hujus Domus Examinationem subeant.

Synodalia.

And something of the same nature seems to be intimated in the Statute I mentioned, which Enacts, that whatever should be " Ordained " and set forth by the Archbishops, Bishops, " and Doctors now appointed, or other Persons hereafter to be appointed, by his Royal " Majesty, or else *by the whole Clergy of England*, in and upon the matter of *Christ's Religion*, and the *Christian Faith* †, and Lawful Rites " and Ceremonies ||, and Observations of the same, " shall be in all and every " point, limitation, and circumstance thereof by all his Grace's Subjects, &c. fully believed, obeyed, observed, " and performed.

† This relates to the Institution of a Christian Man, when to be reviewed.

|| This to the Rituals, at the same time to be altered.

Here the words [by the whole Clergy of *England*] do most naturally refer to the Last Verb [appointed,] and under that Construction imply, that this, and such like Committees, were consented to by the Convocation, as well as named by the King: and so they certainly were. And the reason of establishing em was, because the matters to be discussed " requiring (as this very



“ A<sup>d</sup> speaks) ripe and mature deliberation  
 “ were not rashly to be defined, nor restrained  
 “ to this *present Session*, or any other *Session* of  
 “ *Parliament* : as they must have been, if they  
 had been considered only in Convocation ;  
 which Then sat, and rose always, within a  
 few days of the Parliament.

These Committees therefore were appointed to sit in the Intervals of Parliament : and tho’ they had a Power of concluding finally, yet they seldom, I suppose, did more than prepare business to be laid before the Convocation, when it sat. Accordingly what was done by this Committee for *reforming the Offices*, was reconsider’d by the Convocation it self, two or three years afterwards ; as a Manuscript

\* Sess. 19. 2<sup>d</sup>. Feb. 1542, &c. 43.  
 Reverendissimus dixit Regem  
 velle Libros quosdam Ecclesiasticos  
 examinari & corrigi. Ubi  
 Reverendissimus tradidit hos  
 Libros examinandos quibusdam  
 Episcopis.

Note \* I have met with, taken from the Journals of Convocation, implies. These Committees indeed are spoken of sometimes in our Statutes, and elsewhere, as appointed by the *King*, without any mention of the *Convoca-*

*tion-Clergy* : which was partly owing to the Doctrine of those times, by which the King in virtue of his Supreme Headship, was said to do, decree, and order every thing, tho’ the previous Steps and Resolves were from the Convocation ; and was withal not improper, considering how much was left to the Royal Power in such matters : for the Clergy often only *Petitioned* the King for a Committee, and referred the *Nomination* of it to him ; of which a clear Instance has been given before, in the Request for the *Translation of the Bible*. Indeed, when

when the Committee was composed of Members from *both Provinces*, (as it was in the Present case \*) it could not sit and act by a bare Order of the Clergy; but was necessarily to have the *King's Commission*, before it could be a Legal Assembly: and no wonder therefore, if, tho' both Convocations consented to it, and perhaps sometimes named it, yet the King only be said to *impower* them.

And here I must once for all observe, that whatever was done by such *Select Committees*, appointed, or approved by Convocation, tho' done out of Convocation, must be reckoned done by it; as carrying the stamp of its Authority: For so the way has been in all manner of Assemblies, both Ecclesiastical, and Civil. The *Catechismus ad Parochos*, among the *Papists*, is accounted to have the Authority of the Council of *Trent*, tho' that Council never passed, or saw it; because it was drawn up, and published by Order of the Pope, to whom that Council had referred it. The like is to be said of the *Oxford* †, and *Cambridge* || Resolutions, concerning the Invalidity of King *Henry's* first Marriage; which carried the Authority of those Universities, because drawn up by *Committees*, which were in full Convocation appointed by them. Nor want we Precedents of a Delegation of the Power even of *Parliaments* to *Committees*, in antient times. For 1 Hen. 6. some Lords and Others of the King's Council were impowered to determine all such Bills and Petitions

\* The Act styles them, "The  
" Archbishops, and sundry Bi-  
" shops of Both Provinces, of  
" Canterbury and York, with-  
" in this Realm, and also a great  
" Number of the best Learned,  
" Honestest, and most Vertuous sort  
" of Doctors of Divinity, Men  
" of Discretion, and Judgement,  
" and Good Disposition, of this  
" said Realm.

† Bp. Barrow.  
Vol. i. p.  
87.  
|| Ibid.  
p. 87.

\* *Rot. Parl.* titions, as were not answered in Parliament \* ;  
 7. 21. and so agen 6 *Hen. 6. n. 45, 46.* and several  
 Times before, and after. And *Henry* the  
*Eighth* had frequently the whole Power of  
*Parliament* Translated upon him : We are not  
 to wonder therefore if the *Convocations* of his  
 Reign did something like this, when they had  
 so Great Patterns to follow, and were so much  
 more at his Mercy than Parliaments were.

“ 1542. The Examining of the *English Tran-*  
 “ *slation of the Bible*, being begun by the  
 “ *Convocation*, is taken by the King out  
 “ of their Hands, and committed to the  
 “ two *Universities*. *Ibid. p. 315.*

Were the Translating of Scripture a Work  
 appropriated to Synods, (as sure it is not) yet  
 the Petition of the two Houses in 1534 to the  
 King, to take care of a New Translation of  
 the Bible, would have been Warrant enough  
 for him to have put it into whose hands he  
 pleased. Especially, since it is probable, that  
 this very Synod in 1542 complied at last with  
 the King's Proposal. I find indeed in some  
 Minutes of their Acts, that the *Bishops at first disa-*  
 “ *greed to it* † : but they were, I suppose, over-ruled;  
 † *Sess. 9. Mar.* for Parker's account is only, *Aliquandiu quibus*  
 1541, 42. *Biblia transferenda committerentur, ambigebant* || ;  
 || *P. 338.* which shews, that the dispute was soon over.

“ 1544. The King orders the Prayers for  
 “ *Processions*, and *Litanies* to be put into  
 “ *English*, and sends them to the *Archbi-*  
 “ *shop*, with an Order for the *Publick Use*  
 “ of them. *Ibid. p. 331.*

This

This was done by a Royal *Injunction* \*, then equal to an Act of Parliament, and need not therefore by me here be accounted for. However, there is reason to believe, that the Committee for Reforming the Offices, or the Convocation it self, might have an hand in it: for about this time, it is plain, they composed the Little Book of Prayers, called the *Orarium* †, which was set out by the King the Year afterwards.

\* So it is  
styl'd in  
Bonner's  
Reg. f. 48.

† *Orarium*,  
five Libel-  
lus Preca-  
tionum,  
per Regi-

am Majestatem & Clerum Latinè editus. Ex Officina Rich. Graison.  
1545.

“ 1547. The King orders a *Visitation* over his  
“ whole *Kingdom*, and thereupon su-  
“ spends all *Episcopal Jurisdiction* while it  
“ lasted. Vol. II. p. 26.

The King Visited by vertue of his *Supreme Headship*, recognized first in Convocation, and established afterwards in Parliament. And while this Royal Visitation lasted, all Inferior Jurisdictions ceased a course; as they do, even when an Archbishop visits ||. But what would Dr. Wake infer from this Instance? that the King took to himself a Power, which has been thought regularly to belong to the Convocation? Why, was ever any Man wild enough to say, that the Convocation were the Visitors-General of all Ecclesiastical Bodies in *England*?

|| Pendente  
Visitati-  
one At-  
chiepisco-  
pali tam  
Suffragane-  
i quam  
Inferiores  
Prælati  
ordinariâ

sua Jurisdictione abstinere, omniaque per Archiepiscopum ejusque Commissarios expediuntur.—*Ans. Brit. p. 29.*

“ The *Homilies* composed. *Ibid.*

He should say, *reviewed*, and *altered*: for  
they

they were *composed* many years before, in the

\* Jan. 1541, & 42. Tractavit Reverendissimus de Homiliis conficiendis. 16. Feb. 1542, & 43. Presentata sunt Homiliae compositae per quosdam Praelatos de diversis materiis.

† Fox. Vol. 2. p. 1.

Convocation of 1542, as the Acts declare \*. And by virtue of this *Convocational* Authority which they had, Archbishop *Cranmer* sent 'em 1 E. 6. to Bishop *Gardiner* requiring him to publish 'em throughout his Diocese. Thus Bishop *Gardiner* himself in his Letters to the Protector †; the first words of the first of which are, "After most humble Commendations to your Grace, I have received this day Letters from my Lord of *Canterbury*, touching certain *Homilies*, which the *Bishops in the Convocation holden Anno Dom. 1542.* agreed to make for stay of such Errors, as were then by Ignorant Persons sparkled among the People.

The Second begins thus: "I have received other Letters from my Lord of *Canterbury*, requiring the said *Homilies*, by virtue of a Convocation holden five years past: [He does not allow indeed, that the *Homilies* formally passed that Synod, for he adds] "Wherein we communed of That, which took none effect then, and much less needeth to be put in Execution, ne in my judgment cannot. But *Cranmer*, we see, was of another opinion, and thought these *Homilies* sufficiently authorized by the Convocation of 1542; and that they wanted only to be confirmed, and recommended by the King; as they were in the *Injunctions* of that year. But should there be any thing wanting to the Authority of these *Homilies*, when first set out, that want was made

made up, when they were subsequently ratified by the Clergy in Convocation \*.

\* See Art.  
of 1552,  
& 1562.

L. M. P. has increased Dr. Wake's Collections by an Instance or two of this date, which must not be neglected: "Parliaments, he says, "without the Concurrence of Convocations have learnedly argued and determined the Questions about the Lawfulness of Priests Marriage, and Communion in one kind †. As to the first of these, the Stat. 2 & 3 E. 6. c. 21. does indeed determine this point; but it is in consequence, and almost in the very words, of the Determination of the Clergy in Convocation made the year before, which *Arch.*

† P. 16.

*Harmer* has Printed ||, and my Lord of *Sarum* || P. 170. has given a short account of ., tho' with some mistakes in the Circumstances of it. For where- as his Lordship makes but Thirty five to have affirmed the Question, and but Fourteen to have denied it; there were many more in either case, Fifty three in the first, and Twenty two in the latter \*. The Name also of the Prolocutor, who gathered these Votes, is mistaken: for it was *Jo. Taylor* Dean of *Lincoln*, not *J. Tyler*; who had been Prolocutor Thirty two years before in the Convocation of 1515: where his Lordship takes notice of him † with Indignation, for making a *Partial Entry* in the Journals of Parliament, on behalf of the Clergy, then contending with the Laypower, about their Ecclesiastical Priviledges, which his Lordship says, "is no wonder; the Clark of the Parliament being at the same Time Speaker to the Lower House of Convocation — tho', had not his Lordship thus judged, I should have been apt to have thought

∴ Vol. 2.  
P. 50.

\* Synodalia.

† Vol. 1.  
P. 14.

thought

thought this *Entry Impartial*, for the very same reason; because the Man that made it, belonged equally to both the contending Parties: Unless it shall be said, that Clergy-men are so blindly devoted to the Interests of their Order, that no other Tyes, or Views whatsoever can make 'em think indifferently, where That is concerned. But of this his Lordship's own Works are an Effectual Disproof.

As to the other Point, about the *Communion in both kinds*, neither did the Parliament establish that, *without the Concurrence of Convocation*: for tho' the Clause concerning it was brought into the House of Lords (by Bishop *Cranmer*, I suppose) *Novemb. 24*\*, yet it lay upon the Table, without being called for again, till the Clergy *Decemb. 2.* had Voted it in Convocation; after which, the very next day †, it had a Second Reading.

\* Bishop  
Burn. Vol.  
2. p. 41.

† Synodalia.

“ 1548. A Committee of Select Bishops and  
“ Divines appointed to Examine and Re-  
“ form the Offices of the Church. *Ibid.*  
“ p. 61, 71.

|| Mention-  
ed by me  
without of  
the Acts of  
this Con-  
vocation.

To such a Select Committee I have shewn that the reforming the Offices was by Convocation intrusted in *Henry the Eighth's* time; so that this was but continuing that business in the same method into which the Convocation had formerly put it. And there is Great Reason to believe that it was thus continued by this Convocation itself; and that the *Petition* of the Lower House to the Bishops || for a

Review



Review of the Books prepared by the former Committee to this purpose, ended in an Address of Both Houses to the King for a New one. Thus, it is plain, Bishop *Burnet* \* understood this matter, and Bishop *Stillingfleet* too, who first produced that Petition in his *Irenicum* †.

\* See Vol.

2. p. 50.

† See p.

386. where

he terms it

a Petition

the settling

for calling an Assembly of Select Divines, in order to the settling Church-affairs. Not that this was the Direct Purport, but only the Result of it; and occasioned by it.

“ A New Office of Communion set forth  
“ by Them, [i. e. by the Select Committee.] Pag. 64.

And it was therefore Authorized by that Convocation which we have reason to think, consented to this Committee. However, sure we are, that it was established soon afterwards, by another Convocation; which passed the whole Service-Book, where this Communion-Office was, with some Alterations inserted.

There is a Deep silence all along in my Lord of *Sarum's* History, as to the Convocational Authority of this Service-Book; which he seems to represent as the Work of a Committee || only, confirmed afterwards by Parliament. His Lordship's History has that Credit in the World, that his very Omissions may in time pass for Proofs, if they be not observed and supplied; especially in the Present Case, where it will be naturally enough concluded, that the Church-Authority did not intervene, if a Church-Historian of his Lordship's Rank takes no notice of it. For which reason, and because I think the Point to be of Importance, and

|| See Vol.

2. p. 71, 93.

and withal related nearly to the Article we are upon, I shall here produce some Passages from the Papers and Records of that time, which fully clear it.

King Edward's Answer to the Devonshire-Mens Petition \*, "Assures 'em, that for the  
 \* Fox.Vol. 2. p.666. "Mafs, no small Study or Travel hath been  
 † p.667. b. "spent by *All the Learned Clergy* therein †. And agen, That "whatsoever is contained in  
 "our Book, either for Baptism, Sacrament, "Mafs, Confirmation, and Service in the  
 "Church, is by our Parliament established, "by the *whole Clergy agreed*, yea by the *Bishops*  
 "of the Realm devised, by God's Word confirmed ||.  
 † P.668. a.

The Council's Instructions to Dr. Hopton how to discourse the Lady Mary :, affirm the same thing, somewhat more forcibly. The first of these is, "Her Grace writeth that the Law  
 . Fox.Vol. 2. p.701. "made by Parliament is not worthy the Name  
 "of a Law, meaning the *Statute for the Communion*, &c.

"You shall say thereto.

"The Fault is great in any Subject to disallow a Law of the King, a Law of the  
 "Realm, by long Study, free Disputation, "and uniform Determination of *the whole Clergy* consulted, debated, concluded.

But above all most Express and Full to this purpose is the Assertion in a Letter of *Edw. 6.* dated *July 23. Regni tertio*, and entred in the  
 \* F. 219. a. Register of *Bonner* \*: it runs thus: That "one  
 "Uniform Order for Common-Prayers and "Administration of the Sacraments hath beyn  
 and

“ and is most Godly sette fourthe not onely  
 “ by the Common Agreement and full Assent  
 “ of the Nobility and Commons in the late  
 “ Session of our late Parliament ; but also by  
 “ the lyke Assent of the *Bysshops* in the same  
 “ Parliament, and of all others the Learned Men  
 “ of this our Realm in their Synods and Convocations  
 “ Provincial.

I thought it worth my while to make good this Point, because it has by some been much doubted, and their Doubts have been countenanced by the *Act* 2 & 3 *Edw.* 6. c. 1. which establishes the Service-Book ; and wherein there is mention only of the *Archbishop* of Canterbury, and certain of the most Learned and Discreet Bishops and other Learned Men of this Realm, appointed to compile it ; but no Formal notice is taken of the Convocations that passed it. And the Proof I have given in this single Instance, will suggest to the Reader, that it might be so in General ; and that several other Things done by this Select Committee, were probably approved afterwards in Convocation ; tho' the Statutes, and other Records of that time should seem to mention the Committee only. The Convocation-Records, which alone could have given us Full Light in this case are destroyed ; and the chief way we now have of supplying this Defect is by Parallel Instances, and Probable Reasonings : which Fair Men therefore will admit as good Evidence, for want of better ; and not take advantage, as *Dr. Wake* does from the Destruction of such Records to deny that there ever were any. This is as if a Man should pretend to prove, that none of the People of such or such a Parish were, in the Reign of

of Edward the Sixth Christned, because perhaps the Old Parish-Registers are lost.

“ This made way for the Act of 1548, p. 93. and 1551, p. 189.

He means King Edward's two Acts of Uniformity, which established the first and second Service-Book ; and *way* therefore *was made for them*, not by this *New Office of Communion*, but by the *Service-Books* themselves : These, I have shewn, tho' the Work of a Committee, yet had the Authority of Convocation, inasmuch as the Convocation approved this Committee before-hand, and confirmed what was done by it afterwards. I have shewn it, I mean, of the One ; and the Reader therefore, will easily believe, that the same Steps and Measures were observed as to the Other.

“ 1549. An Order of Council forbidding Private Masses. *Ibid.* p. 102, 103.

As contrary to the Statute of Uniformity, and to the *Determinations* of the Clergy in Convocation : and the Council therefore, who sent this Order, do afterwards, in a Letter of theirs to the Lady Mary \*, call her Chaplains saying Mass, a contempt (not of Their, but) of the Ecclesiastical Orders of this Church of England †.

\* June 4.  
1551.  
† Fox Vol.  
2. p. 709.

“ The Forms of Ordination, appointed by  
“ *Act of Parliament*, ordered to be drawn  
“ up by a special Committee of Six Bishops,  
“ and Six Divines to be nam'd by the  
“ King. *Ibid.* p. 141, 143.

The

The true account of this is, that the Council had already appointed this Committee, at the Instance (as we may from former Precedents reasonably collect) of the Convocation it self then sitting: and of the Members of Convocation therefore this Committee was composed, according to my Lord of Sarum's account of it. "Some Bishops and Divines (says he) brought now together by a Session of Parliament, were appointed to prepare a Book of Ordination". The Session was likely to end, before these Forms could be prepared, and the Parliament passed therefore a *previous Confirmation* of them, as they had done in the case of the *Necessary Erudition*, in 1540†. Dr. Wake must have a very uncommon way of arguing, if he can draw any thing to the Prejudice of the Churches Power from such Instances as these, where such an Implicit Deference was paid to the Resolutions of the Clergy, as to Enact 'em, before the Parliament had seen 'em, and indeed before they were made.

\* Vol. 1.  
P. 140.

† See Stat.  
32 Hen. 8.  
cap. 25.

Dr. W. we see, does in this, and in every other step of this Article, appeal to my L. of S.'s Book, and would under the cover of his Lordship's Name put off all his Bad History, and Worse Opinions. It may not be amiss therefore to give him the *Judgment* of this Right Reverend Prelate clearly expressed, and avowed, in another Piece ||; and with that, to balance all these Doubtful and Uncertain Authorities.

|| Vind. of  
the Ord.  
of the Ch.  
of Engl.

His Lordship, speaking of the English Ordinal (the Point we are upon) and of the *Alterations* that were afterwards made in it, has these words, "It was indeed confirmed by the  
O " Autho-

" Authority of Parliament, and there was  
 " good reason to desire That, to give it the  
 " force of a *Law*: but the *Authority* of [the  
 " Book and] those Changes, is wholly to be  
 " derived from the *Convocation*, who only con-  
 " sulted about them, and made them. And  
 " the Parliament did take that care in the En-  
 " acting them, that might shew, they did only  
 " add the force of a *Law* to them: for in pas-  
 " sing them it was ordered that the Book of  
 " Common-Prayer and Ordination should  
 " only be read over, (and even that was car-  
 " ried upon some Debate; for many, as I have  
 " been told, moved that the Book should be  
 " added to the Act, as it was sent to the Par-  
 " liament from the Convocation, without  
 " ever reading it: but that seemed Indecent  
 " and too Implicit to others) and there was  
 " no change made in a Tittle by Parliament.  
 " So that they only Enacted by a *Law* what  
 " the Convocation had done \*. And agen,  
 " As it were a Great Scandal on the first General  
 " Councils to say, that they had no Authority for  
 " what they did, but what they derived from the  
 " Civil Power; so is it no less unjust to say,  
 " because the *Parliament* is im-  
 " powered † some Persons to  
 " draw Forms for the more  
 " pure Administration of the  
 " Sacraments, and Enacted  
 " that these only should be lawfully used in  
 " this Realm, which is the *Civil Sanction*; that  
 " therefore these Persons had no other *Autho-  
 " rity* for what they did. Was it ever heard  
 " of, that the *Civil Sanction*, which only makes  
 " any Constitution to have the force of a  
 " Law,

\* Pp. 74,  
 75.

† Here I must beg leave to say,  
 that his Lordship's Expression is not  
 Exact. The Parliament did not  
 impower, but approve of them.

" Law, gives it another *Authority* than a *Civil*  
 " one? The Prelates, and other Divines, that  
 " compiled our Forms of Ordination, did it  
 " by virtue of the *Authority* they had from  
 " *Christ*, as Pastors of his Church, which did  
 " empower them to teach the People the pure  
 " Word of God, and to administer the Sacra-  
 " ments, and perform all other Holy Functi-  
 " ons, according to the Scripture, the Pra-  
 " ctice of the Primitive Church, and the  
 " Rules of Expediency and Reason; and this  
 " they ought to have done, tho' the Civil  
 " Power had opposed it: in which case their  
 " Duty had been to have submitted to what-  
 " ever Severities and Persecutions they might  
 " have been put to, for the Name of *Christ*, or  
 " the Truth of his Gospel. But on the other  
 " hand, when it pleased God to turn the  
 " Hearts of those which had the Chief Power,  
 " to set forward this good Work, then they  
 " did, as they ought, with all thankfulness  
 " acknowledge so great a Blessing, and accept  
 " and improve the Authority of the Civil  
 " Power for adding the Sanction of a Law to  
 " the Reformation, in all the Parts and Branch-  
 " es of it. So by the Authority they derived  
 " from *Christ*, and the Warrant they had from  
 " Scripture and the Primitive Church, these  
 " Prelates and Divines made those Alterati-  
 " ons and Changes in the *Ordinal*; and the  
 " King and the Parliament, who are vested  
 " with the Supreme Legislative Power, added  
 " their Authority to them, to make them ob-  
 " ligatory on the Subjects \*.

\* Pp. 125

54.

I have produced these Passages at length, not  
 so much for any Light they give to the Parti-



cular we are now concerned in, the Authority of the *English Ordinal*, as for the General Use they may be of in settling the Dispute between Dr. *W.* and the Church, about the Distinction of the Two Powers Ecclesiastical, and Civil; and the Obligations we are under to the Decisions of the one, antecedently to the Sanctions of the other. I subscribe to his Lordship's state of it, and think nothing can be said more justly and truly.

" 1552. The Observation of *Holy-Days* ordered by Act of Parliament. Ibid. pag. 191.

This Act traced the Steps of the Rubrick, in the Common-Prayer-Book, relating to *Holy-Days*; and ordered none to be kept Holy, but what had before-hand been so ordered to be kept by the Clergy in Convocations, only it added New Penalties.

" 1553. A New *Catechism*, by the King's Order required to be taught by School-masters. Ibid. p. 219.

This *Catechism* was published with the Articles of 1552. and had, I suppose, the very same Convocational Authority which those had. It was compiled indeed by *Poynter*, but is said, in the King's Patent annexed, to have been afterwards perused and allowed by the Bishops, and other Learned Men; by which we are to understand either the Convocation itself, or a Grand Committee appointed by it, and upon which its Power was devolved. That the whole

Convocation have been by these, or such like Terms about this time often expressed, the Instances given in the Margent \* will evince.

\* The Six Articles in the Act 31 H. 8. c. 14. are

said to be agreed to by the Archbishops, Bishops, and other Learned Men of the Clergy; who a little before are styl'd a Synod, or Convocation.

In the Articles of 1536. (See 'em in Bishop Burn. Vol. 1. Coll. of Rec. p. 305.) the Convocation is expressed by the Bishops, and others, the most Discreet and Learned Men of the Clergy.

The Articles of 1552. are in the Title said to be such, de quibus in Synodo Londinensi inter Episcopos, & alios Eruditos viros convenerat. And it will scarce, I think, bear a Reasonable Doubt, whether these Articles passed the Convocation.

Finally, The Act about Holidays, (as 'tis called) is in the Canon it self. (See it in Sparrow, p. 167.) said to be decreed by the King, with the Common Assent and Consent of the Clergy in Convocation assembled. But in the King's Letter to Bonner about it, the words are, "By the Assents and Consents of all you Bishops, and others, Notable Personages of the Clergy of this our Realm in full Convocation and Assembly had for that purpose."

And that this Catechism was generally understood to have the Authority of Convocation, is plain even from the Exception made to it by Dr. Weston †, in the first Synod of Queen Mary; but

plainer still from Philpot's Reply to that Exception; which discovers also to us somewhat of the Manner, by which the Convocation came to be Intituled, not to this Catechism

† For that, said he, there is a Book of late set forth, called the Catechism, bearing the Name of this Honourable Synod, and yet put forth, without your Consents, as I have learned, &c. Fox. Vol. 2. p. 19.

alone, but to several other Pieces, that seem to carry the Name of a Committee only upon them. His words are, that This House [of Convocation] had granted the Authority to make Ecclesiastical Laws unto certain Persons to be appointed by the King's Majesty; and whatsoever Ecclesiastical Laws They, or the most part of them, did set

forth, according to a Statute in that behalf provided, it might be well said to be done in the Synod of London, although such as be of this House now had no notice thereof before the Promulgation. And in this Point he thought he set forth thereof nothing to have slandered the House — since they had our Synodal Authority unto them committed to make such Spiritual Laws as They thought convenient and necessary \*.

bid. p.  
10.

The Knowledge of the Time and Circumstances of appointing this Committee, we have lost, together with the Acts themselves: however, plain it is from this Assertion of Mr. Philpot, made in open Convocation, that such a Committee there was, named by the Crown, at the Instance of the whole Clergy; and that this *Catechism*, among other things, passed them; and had on that account, as He judged, the Authority of Convocation. It is left to the Reader, by whom in this case he will be guided, the Churches Martyr, or her Betrayer. And here the Instance of the *Catechismus ad Parochos* is very pat to our purpose, and ought once again to be remembered.

The rest of Dr. W.'s Particulars are Immaterial, and need not stop us: only on the Last of 'em a Line or two may be not improperly spent.

#### King Charles the First.

“ Directions concerning Preaching with  
“ respect to the *Arminian* Points.

These Directions were for the silencing both  
Parties, and for preventing all Innovations upon  
the

the Doctrine of the Church already Establish-  
ed; and such Directions, it is not only the  
Christian Magistrates Privilege, but his Duty  
to prescribe: provided always, that he do it  
not with any such under-hand Views and  
Aims, as my Lord of Sarum represents K. Charles  
the First to have had in publishing His, —

“ All Divines (says he) were by Proclamati-  
on required not to Preach upon Those  
“ Heads: but those that favour'd the New Opi-  
“ nions were encouraged, and the others were de-  
“ pressed”. I presume, this is no part of the  
Regal Supremacy, nor a Pattern fit to be imi-  
tated in succeeding Reigns: especially, if the  
case ever should be, as his Lordship further in-  
forms us, it was Then, — “ And unhappy  
“ Disputes (continues He) falling in at that  
“ time, concerning the Extent of the Royal Pre-  
“ rogative beyond Law, the Arminians having  
“ declared themselves highly for that, they  
“ were as much favoured at Court, as they were  
“ censured in Parliament. If this were then  
really the case, we of This Age have reason to  
thank Heaven for reserving us for better Times,  
when the Interests of Prince and People are  
the same; and it can never therefore be a re-  
commending Qualification of a Man, that he  
is for extending the Royal Prerogative beyond Law;  
nor intitle him to the favour of a Court, to be  
censured in Parliament.

\* Exposit-  
tion on  
the  
XXXIX.  
Article,  
P. 152.

These are the Instances, in which Dr. Wake  
has shown himself very willing to blast the Ho-  
nour of the Reformation, in order to assert an  
unreasonable Prerogative to the Crown, for  
which no good Prince will thank him. I have  
considered em throughout, and have proved, I  
hope,

hope, that the History he brings to justify his Principles is every whit as unjustifiable as the Principles themselves; and that they deserve therefore to keep Company with one another. In some of these Instances, Truth was so easie to be come at, that he must be thought to have missed it willingly, and to have judged it pardonable to pervert History a little, in order to make his Complement with the better Grace. A Principle, familiar to the Writers in this Controversie, as I could shew by some Domestick Instances; but, since that is not proper, shall content my self with a foreign one.

*De Marca*, a Man excellently well read in this Debate, and of Abilities of Mind equal to his Reading, (and like Dr. W. in nothing, but in his Design of letting the Royal Power in upon the Church as far as he was able) while he was writing his Famous Piece, was named to the See of *Toulouse*, but not quickly settled there, for want of his *Bulls*. To obtain them, he wrote a Letter to the Pope, full of Submission and Respect; and in it, took occasion to compare his own advancement to the See of *Toulouse* with that of *Exuperius*, formerly Bishop of that place: whom he made the same with *Exuperius*, the Spanish President, on purpose, that the Parallel might run the better (He himself having for some time presided in *Catalonia*); tho' he knew very well, they were two different Men. When this was objected to him, as an over-sight, or rather as a piece of Art, not very well becoming his Holy Character, he laughed at the Objection, and pitied the poor People that made it; who were so scrupulously silly, as to tye Men up

*Baluçii*  
*Vita Petri*  
*de Marca*,  
 &c. in  
 principio  
 operis de  
 Concordiâ Sa-  
 cerd. &  
 Imp. pp.  
 13, 14.

to strict Truth in such cases as these, and not able to distinguish between *History* and a *Complement*. So that with the Writers in this Argument, it has been, it seems, a Fashion all along, to disguise Truth; and the bending of matters of fact to by-purposes, is a tried and approved Remedy for the *Dispatch of Bulls*. As a Key to all the false Stories vouched by Dr. W. I have added this true one: and should it happen not to be very pertinent, or entertaining, I have no Excuse to make to him on that head; 'tis but returning him a Freedom, which he has often before-hand taken with his Reader.

I am sensible these Reflections of mine are running out into too great a Length, and shall therefore only name two or three more without enlarging much upon 'em.

VII. Dr. Wake makes no distinction between *Absolute* and *Limited* Princes, but produces the Acts of the one to prove and justify the Exercise of a like Power in the other. His first Chapter is taken up in telling us, what was done in relation to Ecclesiastical Synods, and Affairs by the *Roman*, and *German* Emperors, and by other Princes, of narrower Territory, but not less Despotick in their Government: as if what *They* did, or had a Right to do, were immediately the Right of every other Christian Prince, without any regard to the Restrictions which the Power of that Prince might be under, by the Constitution of his Country. But now should he have told us, what Acts of Absolute Authority were exercised by those Emperors in *State-matters*, and how their Edicts had the force of Laws; would this Plea justify

fic an *English* Prince in attempting the like things at home, or be a Bar any ways upon the Rights and Priviledges of Parliament? Indeed our Author seems sensible, that these Instances are not very Conclusive, where he confesses, *that Princes may by their own Acts Limit themselves*, and that such Limitations may alter the Case mightily, and make that Lawful in one Country which is not so in another \*. Pity it is, that this Truth had not come into his Thoughts sooner than the 95th. Page of his Work: it might then have prevailed with him to withdraw that huge Heap of Foreign Precedents, which now take up so much room in his Work; and which would have been left to sleep peaceably in his Common-place-Book, without seeing the Light, upon so improper an occasion. For should, what he has the Courage in his next Chapter to assert, be true; that, *by our own Constitution, the King of England has all that Power at this day, over our Convocation, that EVER ANY Christian Prince had over his Synod* †: yet the Power he has in this respect, he derives from the Particular Rules of our Constitution, not from any *beyond-Sea-Customs* and Usages. He claims it not, I suppose, as Heir to the Imperial Authority of *Constantine*, or *Charles the Great*; but by virtue of that Prerogative, which, as King of England, he has by the Laws of England: and should the Power therefore happen to be equal here *as home* to what it is *abroad*, yet there lyes no Proof from the one of these to the other. Dr. Wake it seems has different notions of these things; for he tells us, that "Whatever Priviledges he has shewn

\* P. 95.

† P. 98.

" to



“ to belong to the Christian Magistrate, they  
 “ belong to him *as such*; they are not derived  
 “ from any *Positive Laws and Constitutions*, but  
 “ result from that *Power* which every such  
 “ Prince has *Originally in himself*, and are to be  
 “ looked upon as part of those Rights which  
 “ naturally belong to Sovereign Authority:  
 “ and that, to prove any particular Prince en-  
 “ titled to these Rights, it is sufficient to shew,  
 “ that he is a Sovereign Prince; and there-  
 “ fore ought not to be denied any of those  
 “ Prerogatives that belong to such a Prince,  
 “ unless it can be plainly made out, that he  
 “ has afterwards, *by his own Act, Limited him-  
 “ self* \*. So that, according to Dr. Wake's Po-  
 liticks, All Kings, in All Countries, have an  
 Equal Share of Power, in their *first Institution*;  
 none of 'em being *Originally Limited*, or sub-  
 jected to any Restraints, in the Arbitrary Ex-  
 ercise of their Authority, but such as they  
 have been pleased, by after-acts and conde-  
 scensions, graciously to lay upon themselves.  
 Which Position how it can be reconciled with  
 an *Original Contract*, and with several Branch-  
 es of the Late *Declaration of Rights*, I do not  
 see: and how far it may appear to the Three  
 States of this Realm, to entrench on their  
 share in the Government, and on the Funda-  
 mental Rights and Liberties of the Free Peo-  
 ple of England, Time must shew. That all  
*Bishops* indeed are Equal, is the known Maxim  
 of St. Cyprian; but which of the Fathers have  
 said, that All Kings are so too, I am, I con-  
 fess, as yet to learn. For my part, I should  
 think it as easie a Task to prove, that every  
 Prince had originally the same Extent of Ter-  
 ritory,

\* Pp. 94;  
95.

\* Moldf-  
worth's  
Pref. to  
the State  
of Den-  
mark.

ritory, as that he had the same Degree of Power: The *Scales of Miles* in several Countries are not more different, than the Measures of Power and Privilege that belong to the Prince, and to the Subject. But Dr. W. has breathed *French Air* for some time of his Life, where such Arbitrary Schemes are in request; and it appears that his *Travels* have not been lost upon him. He has put 'em to that Use, which a Modern Author \* observes to be too often made of 'em, that they teach Men *fit Methods of pleasing their Sovereigns at the Peoples Expence*: tho' at present, I trust, his Doctrine is a little out of season; when we live under a Prince, who will not be pleased with any thing that is Injurious to the Rights of the Least of his Subjects, when duly informed of them.

Whereas then Dr. W. in great Friendship to the Liberties of his Church, and of his Country, asserts, that *by our Constitution the King of England has all that Power at this day over our Convocation, that EVER ANY Christian Prince had over his Synod*; I would ask him one plain Question, Whether the King and the Three States of the Realm together have not more Power in Church-matters, and over Church-Synods than the King alone? If so, then cannot the King alone have *All* that Power which *ever any Christian Prince had*; because some Christian Princes have had all the Power that was possible; even as much as belongs to the King and the Three Estates in Conjunction.

There is one thing indeed which seems material to be observed and owned in this case; 'tis the Assertion of the Second Canon, which declares

declares our Kings to have *the same Authority in Causes Ecclesiastical that the Christian Emperours in the Primitive Church had.* But this Canon must necessarily be understood of the *King in Parliament* : for out of *Parliament* it is manifest, that he is not so Absolute in Ecclesiastical Matters, as those Emperours were. In *Parliament*, he can do every thing, that is by the Law of God, or of Reason lawful to be done ; out of *Parliament* he can do nothing, but what the Particular Rules of our Constitution allow of. And,

VIII. This too is a Distinction which Dr. W. should have taken notice of, had he intended to do Justice to his Argument. For the Church here in *England* is under the Government both of the *Absolute*, and *Limited Sovereign* : under the Government of the *Limited Sovereign*, within the Compass of his Prerogative ; under the Government of the *Absolute Sovereign*, without any Restraints or Bounds ; except what the Revealed Will of God, and the Eternal Rules of Right Reason prescribe. The Pope usurped not only on the King, the *Limited* ; but on the King and Parliament, the *Absolute Sovereign* : and what was taken from Him therefore was not all thrown into the Prerogative, but restored severally to its respective Owners.

And of this *Absolute Sovereign* it is the Duty, when Christian, to act in a Christian manner ; to be directed in matters Spiritual by the Advice of Spiritual Persons, and not lightly to vary from it. By the same Rule the *Limited Sovereign* is to steer likewise, within the Sphere

Sphere of his Prerogative : And he is also further obliged, to preserve those Privileges of the Church which belong to her by the Laws of the Realm. Now Dr. Wake, I say, confounds these two Powers, and the Subjections that are due to them ; speaking all along of the King, as if He, in Exclusion to the Three Estates, had the Plenitude of Ecclesiastical Authority lodged in him, and were the single Point, in which the Obedience of the Church, and of every Member of it centered. This is a Fundamental Mistake that runs quite through his Book ; and is such an One as overturns our Constitution, and confounds the Executive and Legislative parts of it ; and deserves a Reprehension therefore some other way than from the Pen of an Adversary.

Henry the Eighth, 'tis true, in vertue of his Supreme Headship, laid claim to a Vast and Boundless Power in Church-affairs ; had his *Vicegerent* in Convocation, Enacted every thing there by his own Sole Authority ; issuing out his *Injunctions* as *Laws*, at pleasure. And these Powers, whether of Right belonging to him, or not, were then submitted to by All, who either wished ill to the Pope, or well to the Reformation ; or wanted Courage otherwise to bear up against his Tyrannical Temper and Designs : and were the more easily allowed of by Church-men, because they saw him at the same time exercise as Extravagant an Authority in State-matters, by the Consent of his Parliament.

However the Title of *Supreme Head*, together with those Powers that were understood to belong to it, was taken away in the first

ft of Queen Mary, and never afterwards re-  
 ved : but instead of it, *all Spiritual Jurisdicti-*  
 was declared to be annexed to the Imperial *1 Eliz. c. 1.*  
*Crown of this Realm*, and the Queen enabled to  
 exercise it by a Commissioner, or Commisfi-  
 ners. This Power continues, no doubt, in  
 the Imperial Crown ; but can be exerted no  
 otherwise than in Parliament, now, since the  
 High Commission Court was taken away by  
 the 17 Car. 1. It was attempted indeed to be  
 restored in the Last Reign ; but was then uni-  
 versally disallowed, and has since been solemn-  
 y condemned by the *Declaration of Rights*, as  
 the cause of the Abdication. Whatever there-  
 fore Henry the Eighth, and Edward the Sixth  
 did, in vertue of their *Supreme Headship*, what-  
 ever the Three succeeding Princes did by their  
 Ecclesiastical Commissions, is not *therefore*, be-  
 cause Their Act, or Right, a present Branch  
 of the Regal Supremacy : all those Extraordi-  
 nary Powers and Jurisdictions, which were pe-  
 culiar to that Title, or that Court, being now  
 returned to the King in Parliament. And  
 When Dr. Wake therefore tells us, that *he is not*  
*aware of any Law that has debarred the King from*  
*having his Commissioner, or Vicar General in*  
*Convocation now, as Henry the Eighth before had \**, \* P. 114.  
 he shews how unfit he is, under such a deep  
 ignorance of our Constitution, to write on  
 this Argument : for a very moderate share of  
 Skill in these things was, methinks, sufficient  
 to have made him *aware* of the Illegality of  
 King James's Commission. I shall beg leave not  
 to think, that this is a Principle approved by  
 his Grace of Canterbury, or that his Grace would  
 now give place to such a Vicar General.

IX. One thing more I have to offer, and with that shall shut up these General Remarks. Dr. W. distinguishes not between those Powers in which the Crown is *Arbitrary*, and those in which it is purely *Ministerial*; between Royal Acts that are *Free*, and such as are *Necessary*, so that by the Rules of our Constitution the King cannot omit them. For example, he tells us, That the King determines what *Persons* \* shall meet in Convocation, at what *Time* †, and in what *Place*. And this he talks of in such a manner, as if the Prince were perfectly and equally at Liberty, in all these Respects; and under no manner of Tye from the Laws and Usages of this Kingdom. 'Tis true, as to the *Place* of their Meeting, he is free, and may appoint their Session in what part of his Country he thinks fit; just as he may that of the Lords and Commons. But as to the *Time*, he is so far restrain'd, that some Times there are when he *ought* to call them together, by the Fundamental Rules of our Constitution; and those are as often as Writs for a New Parliament go out. As for the other Convocations in the Intervals of Parliament (if our Constitution now, after an hundred and fifty years disuse, knows any such thing, which I shall not here dispute;) 'tis as to These only, that the Issuing out Writs for the Clergy can be matter of Grace and Favour, or become the Subject of Deliberation. But as to the *Persons* that are to meet, the Crown has no Power of determining who, or how many they shall be; for the Law has determined this before-hand. The King may indeed name whom he pleases to *Deaneries* and *Bishopricks*: but when he has done so, Those,

and

\* P. 103.

† P. 103.

and no other must be Summoned to Convocation. And in this he does not seem to have left himself at so much Liberty, as he still has in relation to the *House of Lords*, to which he can by Writ call whom he pleases, whereas it may be questioned, whether his Writ can give place to any one in the Upper House of Convocation, but Bishops only.

The Truth is, the King appoints the Persons that are to come to *Convocation*, just as he does those that are to come to *Parliament*: some have a Right of sitting there in *Person*, and to those therefore he directs Particular Writs; Others have a Right of being *represented* there, and those therefore he orders to send up their *Proxies*; that is indeed, the *Constitution* appoints, what Persons, or Communities shall be Summon'd; and the King, according to that Rule, does, as often as he is pleas'd to call a *Parliament*, by his Ministers, Execute that Summons. And if *Convocations* are upon the Level with *Parliaments* in this respect, as 'tis certain they are, Dr. Wake had best have a care how he attempts to prove, that it is the King's Right to appoint who shall come to those meetings, because this implies, that if he should think fit not to appoint 'em, they would have no Right to come: which is a Doctrine of very dangerous consequence, and not likely to recommend the maintainer of it to the Thanks of either House of Parliament.

Dr. Wake is not content to assert this Power to the King, unless he does it upon the bottom of an *Imperial Power*: for after he has prov'd, as he thinks, in his First Chapter, that the Emperors of *Rome* and *Germany* were *Absolute* in



all these respects, he goes on in his Second to shew, that *by our own Constitution, the King of England has all that Power at this day over our Convocation, that ever any Christian Prince had over his Synods* \*; and immediately in the same Particulars of *Time, Place, and Person*, draws the Parallel between 'em.

\* P. 98.

'Tis true as to *Place*, the Kings of England are as Arbitrary as those Emperors were: however his way of making out this both of the One and the Other is somewhat singular. Abroad, Pepin's determining the *Place* of his Synods meeting is prov'd, from his determining that they should meet either at Soissons, or at such other place as the Bishops should agree upon †. At home, the same thing manifestly appears, because our Princes leave their Synods, with a Great Latitude, to be held either at St. Paul's, or at any other Place, which the Archbishop shall judge to be more convenient ‡. Which is very true, for the words of the Writ to the Archbishop have for some hundred years run, *ad conveniendum in Ecclesia, &c. vel alibi, prout melius expedire videritis*, which is just such a Determination of the Place they are to meet in, as Dr. Wake's Book is of the Point in question.

† P. 38.

‡ P. 103.

He has much such another Argument to prove that the Emperors determined the Persons too, that were to come to their Great Councils; because in Three of them (which he there mentions) they left it to the Metropolitans, when they came, to bring such of their Suffragan Bishops as they thought fit along with 'em. And when the Princes (says he) who followed after, Summon'd their National Synods, They in like manner directed the Choice of those who were to come to them \*.

them \*. If they directed the Choice in like manner, I may venture to say, that they did not direct it at all: for those Emperors gave no Directions for the Choice, but, as He says, left it intirely to the Discretion of the Metropolitan; or rather, as the Truth is, left it to the several Provincial Synods to determine, what Bishops should wait upon their Archbishop to the Council. Were Dr. Wake's *Congregation* to be so drawn up, as to leave the Chapter to which it shall be sent, at as great a Liberty as these Princes left their Metropolitans, he would not think it, I believe, a sufficient Direction of their Choice, because, I dare say, he would not find it so. In the meantime, what Bungling Work is this for an Old Controvertist, that has encountred the Bishop of Meaux, and half persuaded him to be a Protestant? The Dr. indeed lets us know plainly enough, what he would be at, in the *Positions* he lays down; but by the *Instances* he sometimes brings to back 'em, one can hardly tell, which side he is retain'd on.

\* Pp. 39, 40.

## CHAP. V.

**H**itherto, I have made only some General Remarks on Dr. Wake's way of managing this Controversie, and by that means shew'd the Reader, how much there is in his Loose Work utterly wide of the Mark he should have aim'd at; and how unfair he is in his Representations, and defective in his Proofs, even on those Points which are not pertinent, and where Truth had been of little or no disservice to his Cause. I might go on, and in the same manner lay open his Fourth Chapter also, which he calls a *Short View* of the State of our Convocation in times past\*; and which is just as *short* a View, as it is a *True* one: it being drawn out to the length of an hundred tedious Pages; in which there is scarce One (I speak what I have considered) that would not, upon a careful Review, yield a manifest Proof of his Insincerity or Ignorance. So slight and partial are the accounts he there gives of the Business of Convocations, and the Ends of assembling them; so false are his Allegations often times, and so weak the Inferences he draws from them; such an Implicit Relyance has he on every Relation he meets with in any of the Monkish Chroniclers, and so willing is he to think it as Exact and Full, as if the Authors had written Just Histories of Ecclesiastical Affairs, and not Lean Journals only; so thoroughly in the dark does he appear every where to be as to all those Manuscript Papers and Records that might be of use to clear up this Controversie;

\* P. 147.

troverſie ; ſo baſe and untrue are the Aſperſions he caſts on ſome of the beſt Clergy-men of thoſe times, and (where he can) on his Whole Order ; ſo mean and fulſome is the Flattery he beſtows on the Memory of ſome of our Worſt and moſt Arbitrary Princes : Upon all theſe Accounts, I ſay, and many more than theſe, *Dr. Wake* has left ſo much room for Censure, that it would be the buſineſs of one entire Book to ſet out the Miſtakes and Prevarications of that ſingle Chapter. But in this, I ſhall rather truſt the Reader to believe as he pleaſes, than tire him with a proof of it : eſpecially, ſince opportunity will be given me of diſplaying ſome of them, here and there, under the following Heads of Matter I have mark'd out, and according to the Method I have reſolved to proceed in. By That I am now led to conſider the *Exceptions* of all ſorts that have been taken at the Two Points aſſerted in the Entrance of this Work, by any of thoſe Writers who have pretended to answer the *Letter to a Convocation-man* We have hitherto done little more than ſet aſide what in *Dr. Wake's* Book is foreign to the Argument he treats of ; let us ſee now, what there is either in That, or any other Piece, written on the ſame ſide, that can be thought Material : I ſhall conceal nothing that may ſeem in the leaſt to affect the Truth I contend for, or the Proofs which I have brought to ſupport it.

In Relation to the firſt Point laid down we are told, that the *Provincial Writ*, by which a Convocation is Summon'd, *has no relation to the calling of a Parliament, nor does ſo much as mention*

- † L. M. P. it †; That by such Writs the Clergy may be assembled, when no Parliament is in being, may meet before the Parliament, and be continu'd after the Dissolution of it; That as to the Clause, *Praemunientes*, in the Bishops Writ, it is matter of Form only, having stood there these three hundred
- || Ibid. p. 32. Years without any manner of use ||, and referring to a Convocation, which for many Years past has had no Existence\*; That it was first inserted upon some Particular Occasion, and continu'd after the Cause was determin'd †; and that, merely by the neglect of a Clerk, as my Lord of Sarum conjectures ||.
- || Hist. Ref. Vol. 2. p. 49. That upon the whole therefore the Time of the Convocations meeting is no ways fix'd, but Precarious\*, and it's just Definition is, an Occasional Assembly for such Purposes as the King shall direct, when they meet—as a late Little Author † has told us out of a Great one.
- † L. M. P. P. 27. † Nicolson. Hist. Libr. Vol. 3. p. 200.

But let the Definition come from what Hand it will, I must be bold to say, that it is unskilfully drawn. For from the Accounts already given in these Papers it appears, that the Convocation is not an *Occasional*, but a *Stated* Assembly; in some measure Stated, as a *Provincial Synod*, simply in it self considered; much more so, as a Synod attendant on a *Parliament*. As a Provincial Council, the Rules of the Church, receiv'd in all Christian States, and particularly in ours, direct that it should be *Annual*: As a Synod attendant on the Parliament, it has the same stated times of assembling that the Parliament has. And such Parliamentary Meetings of the Clergy ought the rather to be kept up, because it was from These that the Disuse of yearly Provincial Councils, here and elsewhere, originally sprung. For when through

the

the Piety of our *Saxon* Ancestors the Clergy were call'd to the Great Councils of the Realm, and made a constant and necessary part of them; they were oblig'd so frequently to attend in that Capacity, that they had neither Leisure, nor Need to observe the set times of their Provincial Assemblies. The Ordinary Business of These was dispatch'd at those State-meetings; which were frequent, and gave the Clergy the Opportunity of an easie Recourse to the Civil Power for a Confirmation of their Decrees. And this, by degrees, brought on a discontinuance of Provincial Synods, which from thence began to meet only on Great Emergencies, and for Extraordinary Occasions. Thus the matter stood throughout the *Saxon* Times, and for some Reigns after the *Conquest*: The Clergy of the whole Realm met Nationally with the Laity, and did Church-business at the same Time and Place that the Great Affairs of the State were transacted. Afterwards it was thought more Regular, that they should attend the Parliament, not in one Body, but in Two Provincial Synods; which would equally answer the State-Ends of assembling them, and would withall be more strictly agreeable to the Canons. Accordingly they have for near 400. years past constantly thus attended; and are therefore in this respect as *fasted* an Assembly, as the Parliament it self. 'Tis true, there have been during this Period, Other Meetings also of the Clergy out of Parliament time, when the Necessities of the Church so requir'd; and these Assemblies indeed (and these alone) were properly *Occasional*. But these were rare in comparison of Par-

liamentary Synods, even in Popish times : and since the Reformation there has been no Instance of 'em, the Convocation of 1640. only excepted ; which is no Compleat Instance neither : for it was call'd, and sat together with the Parliament, tho' it continued after it. And what Reflections and Votes this Continuance produc'd in the Succeeding Parliament, is sufficiently known. Setting aside therefore what was done in this disputed Instance, it is certain, that All the Business of the Church has for these hundred and fifty years last been transacted purely in Parliamentary Convocations : and these therefore (which are the only Synods now in use) being *Stated*, and not *Occasional*, it can be no part of the *Definition* of a Convocation, that it is an *Occasional Assembly*. By the Universal Rules and Practice of the Church there are Set-times allotted for Provincial Synods to meet ; and these Times are by our Constitution adjusted to those of Parliament. And the Clergy-Meetings therefore thus appointed concurrently with Parliaments can no more be said to be *Precarious*, or *Occasional* than They are. 'Tis true, their Acting is *Occasional*, tho' their Meeting and Sitting be not : for they may possibly, when met, have no Business to do ; and then, as they met a course, so they adjourn, or are adjourn'd a course : but the Chance of their acting, or not acting, ought not any ways to hinder their Meeting and Sitting, both because it cannot certainly be known till they are met, whether there be any Business for 'em, or no ; and should there not be any, yet they preserve a Right to do Business, when there shall be occasion for it,  
by



by thus assembling when there is none. Archbishop Parker, Mr. Cambden, Sir Robert Cotton, all that have been Eminent for their skill in our Constitution, have constantly represented the Convocation to be a fixed and stated Assembly, and never once dreamt that it was *Occasional*: and one would wonder therefore how our Young Antiquaries came to be wiser in this respect than the Old ones. No! this Meeting is not *Occasional*, but the Notion is taken up purely to serve a Turn, and do Business: for there must be New Notions to justify New Usages. But (to speak a plain word) I cannot for my heart like these Men of *Occasional* Principles: for I remember well that Those were thought thoroughly Honest by neither side, who were for *Occasional Communion*.

Thus much in answer to the General Part of the Objection, which would persuade us, that 'tis of the Nature of a Convocation to be a *Precarious* Assembly: what is further urg'd to support this Notion, shall be consider'd under Two Heads, wherein I shall shew,

1. That the *Præmunientes* in the Bishops Writ, is not an Idle Useless Clause (as we are made to believe) inserted only on a Particular Occasion, and continu'd by Accident; but a Real, and (heretofore at least) an Effectual Summons of the Clergy to Parliament; such as they constantly made Formal Returns to, as often as it went out, and did expressly obey.

2. That the Writ to the Two Archbishops to convene the Clergy of their Provinces, tho' it does not expressly mention a Parliament, yet has an immediate Reference to it: the Original Design of its issuing out together with the Bishops

shops Writ being only to secure an Obedience to the Premunitory Clause of it, and to make the Clergy's Parliamentary Assemblies more full and certain.

Upon the first of these Points I shall not content my self barely to make good what I propose; but shall extend my Enquiries further, and endeavour to give some account of the Original of the *Premunitory* Clause, as it now stands in the Bishops Writ, of the true Grounds of inserting it, and of the steps by which it prevail'd.

Something not unlike it I find practis'd as early as the Sixth of King *John*, when a Writ, yet to be seen among our Records †, went out, calling the Bishops to Parliament, and by them all the Conventual *Abbots* and *Priors* of the Diocese; that is, it may be, all those of the Clergy below Bishops, who might, in this Instance, be Summon'd to Parliament. Ten years after this the Charter of *Rannymead* oblig'd the Crown to Summon every Bishop, Baron, Abbat, and Prior, *Singillatim*, that is, by a distinct Writ: and accordingly in the 26 *H. 3.* \* the Archbishop of *York*'s Summons has no such Clause in it; the Abbots being then, we may presume, Summon'd severally; as we are sure they were in the 41<sup>st</sup>. of the same Prince, from the Abbot of *Burton*'s Summons, preserv'd in the Annals of that Monastery ‖, and as the *Deans* appear to have been in the 49 *H. 3.* \* And whether the Clergy of yet Lower Rank came to that Famous Meeting in some proportion answerable to that of the Lower Laity, and in what manner they were Summon'd rather, can be matter of Guess only; for our Records are silent.

Edward

† Cl. Joh.  
m. s. dorf.

\* Cl. m.  
23. dorf.

‖ P. 371.  
\* Dugd.  
Summ.  
P. 2.

*Edward* the First, a Martial Prince, having great Designs abroad, had consequently need of Great Supplies at home; and in order to obtain them quietly, found it requisite to get the Express Consent of as many of his Subjects as he could to the Parliamentary Grants; and for that End resolv'd to make the Lower Clergy and Laity a constant and standing Part of All his Parliaments.

In his first year, while he was yet abroad in his Expedition, we find the *Commons* (as we now understand the word)

present in Parliament\*; and that in a greater number than they were in the 49<sup>th</sup>. of his Father. But it does not ap-

\* de quolibet Comitatu Quatuor milites, & de quolibet Civitate Quatuor. Ann. W<sup>2</sup>. p. 227.

pear, that the Inferior Clergy were at this Meeting; who, it seems, standing upon their Privileges and Exemptions, were not so easie to be dealt with in this respect as those of the Laity were. In his third year therefore we hear only of the *Pontifices*, & *Cleri Majores* in Parliament [i.e. of the Bishops, Abbats, Priors, and Archdeacons]; of whom the King demanding a Subsidy was answer'd by the Bishops, that they could not agree to it, without consulting the Clergy of their Dioceses; which they promis'd to do against the next Parliament met, and to bring their Resolutions along with them to it.

Wykes, ad  
Ann. 1275

In his Seventh year the Council of *Reding* met, wherein it was order'd that two Proctors should be Elected by the Clergy of every Diocese, and sent up to represent them in the next *Congregation of the Clergy to be held with the next*

Parlia-

\* This is according to the Edition of the Canons of that Council, at the End of Lynwood. From what Copy it was taken, is not said: But those Copies which Sir Will. Dugdale Transcrib'd into the Second Volume of our English Councils [See p. 320.] differ'd from it, it is clear; if at least Sir William's Transcripts are Exact, and to be depended on.

Parliament \*. Whether Archbishop Peckam found, that the King had resolv'd to bring these Proctors to Parliament by his Own Authority, and therefore prevented him by this Constitution, or whether he did it, to have their Counsel and Assistance in opposing the Statute of *Mortmain*,

which he foresaw would be attempted in that Parliament (and was accordingly carried); or upon what other View he acted, I pretend not to say. But from thence forward I take it for granted that such Proctors were constantly return'd to all the Clergy's Parliamentary Meetings; and that purely upon an Ecclesiastical Call at first, tho' the King soon let himself into a share in Convening them.

For in his Ninth year, His and the Archbishop's Authority were jointly and interchangeably employ'd in it; the Archbishop signifying the King's Pleasure in his Letters Mandatory to the Clergy, and the King on the other side Executing the Archbishop's Mandate by his Own Ministers. The Case (if my Collections deceive me not) was thus: The Bishops [and their Clergy] were Summon'd to a Synod at London by an Injunction from the Archbishop in which they were commanded also to meet at another Time and Place appointed by the King; and that they might be sure so to do, Letters of Citation are directed (not to the Bishop of London, but) to the King himself, to be by him communicated to the several Bishops by Royal Messengers. This odd President we have

have an account of in the Register of *Peckam* \*. And the same Formality, I suppose, was used in Convening the Clergy of *York* Province, who met about this time at *York*, as appears from a Writ extant in *Pryn* †, impowring the Bishop of *Carlisle*, to collect the Tenth of his own Diocese, granted at that Provincial Assembly.

\* The Citatory Letters are dated Kal. Apr. 1281. † Eccl. Jurisd. T. 3. P. 275.

Next year the Prerogative got ground a little, for the King holding his Parliament at *Northampton*, commanded the Archbishop by Writ to Summon his Clergy thither, to meet *Coram Nobis*, *vel coram fidelibus nostris quos ad hoc duximus deputandos, ad audiendum & faciendum ea quæ pro Republica Vobis & eis super hæc ostendi faciemus, &c.* But the Persons which the Archbishop is directed to Summon are only Bishops, Abbats, Priors, and other Heads of Religious Houses, together with the Proxies of Deans and Chapters, without any mention of *Archdeacons*, or of the *Diocesan Clergy*; who, it may be, were by a Particular Writ to be apply'd to afterwards, and requir'd to follow the Pattern which the Superior Clergy should set, according to the way sometimes practis'd in former Reigns ||. So that this Meeting was just such another as that in the third of his Reign, where the *Majores Cleri* only were present. And yet at the Synod call'd on the same occasion by the A.B. of *York*, in His Province, we find the *Diocesan Clergy* appear'd: and (which is very remarkable) the Laity of *York*-Province under Barons, [*Milites, Liberi Homines, Communitates, & omnes alii de singulis Comitatus ultra Trentam*] had also their Summons to the same Time and Place with the Clergy. So I gather from the Writ sent

See App. Num. VII.

|| See an Instance, A.D. 1207 80. Joh. in Pryn's Parl. Writ. Vol. 1. Pref.

\* Numb.  
VIII.  
where the  
Reader  
will find

sent joyntly to both, which being of a curious and uncommon Form, will deserve a place in the *Appendix* \*.

also another directed to the Clergy and Laity of the Bishoprick of Durham; who tho' meeting with the rest of York-Province, yet had, it seems, distinct Messages and Messengers sent to them, and made likewise their separate Returns. (See Regist. Joh. Romani *ad Ann.* 1286. fol. 99. Regist. Grenefield *ad Ann.* 1310. f. 180.) and something of this Priviledge I think, that See even yet retains.

Hitherto then the Clergy were so far from meeting Nationally with the Parliament, that the Lower part of the Parliament seems to have divided sometimes to accommodate it self to the Provincial Meetings of the Clergy.

How the King was obey'd in this Instance as to the Province of *Canterbury* appears from *Peckam's Register*, where we find his Mandate † to the Bishop of *London*, reciting the King's Writ, and commanding all the Bishops of his Province, and all the others mention'd in it, to assemble *dictis die & loco ob Reverentiam Regie Majestatis, de expedientibus reipublica tractaturi*; but with words also that intimated his sense of the Hardship which this New Precedent laid 'em under, and which the Clergy, I suppose, so understood, as if he would not be very severe upon them, tho' they should not comply with it. Accordingly their Meeting at *Northampton* was but thin, and they brake up immediately, referring themselves to a Fuller Convocation, to be call'd in the usual Form by the Archbishop, and refusing to answer the King's Demands till such an one were Summon'd; as it was soon afterwards ||: and that being a Regular

† See App.  
Num. IX.

|| See App.  
Num. IX.

gular Assembly, both as to the Place \* at which, and the Authority † by which they met, and the Persons ‖ composing it, the King's Business did there receive an Easie Dispatch.

\* Nov.  
Templ.  
Lond.  
† The Arch-  
bishop's.  
‖ Totus

Clerus are said to be call'd i. e. beside those Summon'd to Northampton, the Archdeacons also, and Diocesan-Clergy.

Had the King's Writ, which call'd the Clergy before his Commissioners at Northampton been obey'd readily, the way had been open'd towards his bringing the whole Body of 'em afterwards to Parliament. But having fail'd in this, and such like attempts, and finding that the Archbishop and his Clergy understood one another, and were secretly agreed to defeat him, he afterwards went more roundly to work, and without asking help from the Church, was resolv'd to use only his Own Authority; and accordingly Summon'd all the Great Abbats and Priors to Parliament Personally, as well those who did not hold of him by Barony, as those who did; and the Lower Clergy by a *Premunitory* Clause insert'd in the Writ to every Bishop. At what time precisely this Method was first set on foot, I cannot be positive: but sure I am that a year before the 23 *Edw. 1.* (the common *Era* of the *Premunites*) it was practis'd. *Peckam* was now dead, and *Winchelsey* not yet return'd with his Pall from *Rome*; and the See of *York* fill'd with an Obnoxious Person \*, Fin'd lately Four thousand Marks by Parliament †; and on that, and some other accounts ‖ now at the King's Mercy. This lucky Juncture the King seems to have laid hold of, to bring the Clergy to a

\* *Joh. Romanus.*  
† *Ryley's Placita.*  
p. 141.  
‖ See *Ibid.*  
p. 173.

com-



\* Vacabat  
Ecclesia  
Can. (says  
Knighton)  
& mem-  
bra sine  
capite in  
consilio  
dispersa  
sunt; Ebo-

compliance with his Will, when they had no body to head them in their opposition to him\*. He Summons the Prior and Chapter of *Canterbury* therefore, as Guardians of the Spiritualities of that See, during its Vacancy, and by Them the Archdeacon of *Canterbury*, and two Proctors for the Diocese †.

racensis vero *Johannis Romanus*, Regis timore perterritus, eò quòd in magnà pecuniæ summâ regi tenebatur, quasi dissimulando destituit, &c. p. 2502. † See the *Writs* Append. Numb. X.

The Clause in this Writ differs in nothing from what was afterwards practis'd, except that it begins with the word *Vocantes*, instead of *Pramunientes*, and mentions not the Prior and Chapter of *Canterbury*, they being indeed the Persons written to, and having already in the former part of the Writ been cited under another Capacity. Only still we may observe that tho' the Call were really to Parliament, yet it is not mention'd throughout the Summons; either in that part of it, which commands the Bishop to attend, or in that which warns the Lower Clergy to accompany him; but they are cited only to treat and to consult among themselves.

\* Eodem  
Anno

*Knighton*\*, and the Annals of *Worster* †, and (MCCXCIV.) Vocavit Rex per Literas suas Archiepiscopos, Episcopos, Decanos Ecclesiarum Cathedralium & Archidiaconos in propriis personis suis Clerumque uniuscujusque Dioecesis per duos Procuratores, &c. X. Script. col. 2501.

† Die XIX. Sept. Rex habuit Colloquium Londoniæ cum omnibus Episcopis, & Archidiaconis, & Abbatibus. Et Clerus ibi similiter habuit Procuratores. *Ann. Wig. apud Ang. Sac.* Vol. 1. p. 516.

*Everſden* \* mention the Clergy as preſent in this Parliament, and the two firſt of theſe tell us particularly, who were Summon'd. Neither of their Enumerations are juſt indeed, but both together compleat the Account. And from the notice thus taken of the

\* Rex Parlamento die craſtino Scti Michaelis [it ſhould be *Matthæi*] habito—Univerſos & ſingulos Angliæ Prælatos cum Clero, nec non & Religioſos omnes poſſeſſiones obtinentes ad ipſum Parliamentum vocatos, ad præſtationem, &c. induxit. M. S. in Off. Arm. ad Ann. 1294.

Clergy's attendance, and from the Particular given of the Perſons attending, we may be ſatisfy'd, that the Summons was Extraordinary; and from thence may conclude, that before this it had not, probably, been practis'd; to be ſure, not obey'd. But now it was effectually: for, upon the receipt of the King's Writ, the Prior and Chapter ſent out their Letters Mandatory (in which they recite it) One to the Archdeacon of the Dioceſe, and another to the Commiſſary of their Separate Jurisdiction, ordering them to bring the Clergy of their ſeveral Diſtricts together at a Place, and Time appointed; as They did: and the Clergy thus met, deputed two Common Proctors, to repreſent the whole Dioceſe. And theſe Proctors ſat and acted for them in Parliament, i. e. in that Aſſembly of the Clergy which was Summon'd by the ſame Writ, to meet at the ſame Time and Place that the Lay-part of the Parliament were \*; and accordingly did thus meet at the opening of it promiſcuouſly †, tho' they afterwards debated and reſolv'd ſe-

\* Ad ipſum Parliamentum vocatos, ſays

*Everſden*, above.

† So I gather from Mat. Weſtm. who ſays, *Co-  
adunatis apud* — Clero & Populo. P. 422. and ſo Knighton's Relation, (Col 2502.) manifeſtly implys.

Q

parately \*,

\* This too appears from Knighton (ibidem) and from the manner in which their Orders in relation to the Grant are spoken of in Registr. Henr. Prioris, fol. 63. There a Writ recites, that in festo beati Matthæi, &c. quædam sunt Ordinata per Prælatos & Cleri Procuratores, exclusively to the Laity. And the Clergy's Proctors are there also empower'd to consent to what the Prelates, Archdeacons, and other Proxies of the Clergy should do in common.

ately upon the rising of the Clergy of Canter-

† The Parliament sat on Sept. 20th. or 21th. and rose in a few days, the Letters-Patents to the York-Clergy are dated Septemb. the 28th.

|| Ad Ann. fter of *Job. Romanus* || that his Clergy were Summon'd to this Parliament by the very same Writ that those of Canterbury were: but whether they declin'd appearing there, or only delaid their Grant till they met Provincially at home, I cannot say: sure we are, that the

\* 23 E. 1.

† Parl. Wr. Vol. 1. p. 7.

|| Dugd.

Summ. p.

13.

next year \* they were again Summon'd, the *Præmunientes* being inserted into the Writs of all the Bishops of York-Province, as *Pryn* † informs us. And the year after that, we know that it was not only inserted ||, but obey'd by them. For *Rex Angliæ apud Sanctum Edmundum in crastino Animarum Parliamentum suum tenuit, & vocati ibidem venerunt per Regias Literas Prælati & Totus Clerus*, says the Manuscript Chronicle of Canterbury written at this time, of which

parately \*. And one of the Resolutions they came to was to give the King a moiety of their Goods for one year. This Gift however was by the Province of Canterbury alone; for the Clergy of York-Province, if present in this meeting, yet did not make their Grant in it, as appears from the King's Letters Patents transmitted to them by the Dean of York, immediately upon the rising of the Clergy of Canterbury †, wherein they are commanded to do as the King's Agent shall direct, i.e. as the Clergy of the other Province had done before them. It appears indeed from the Regi-

which a Fragment is published by Mr. Wharton (*Angl. Sac. Vol. 1. p. 50.*) and so *Thorn. Rex apud S. Edm. tenuit Parliamentum, Convocato illuc Toto Clero. Col. 1965.* Now therefore the *Præmunientes* became an Usual Part of the Bishop's Writ, and had a place there, not as Matter of Form only ; for as often as it was repeated, it was expressly comply'd with. The Bishop, upon the Receipt of his Writ, transmitted it in a Letter of his own to the Dean or Prior of his Cathedral Church, and to the Archdeacon or Archdeacons of his Diocese, commanding them to appear in Person at the Time and Place prefix'd by the Writ, and to warn the Chapter to send one of their Body, and the Clergy of the Diocese Two thither; and moreover to transmit an account to him of what they had done, or would do in this matter. To this the Deans, Priors, or Archdeacons, made answer by their *Certificatorium*; which recited the Bishop's Writ, as that recited the King's, and concluded always either that they had done, or would do, as commanded. Upon this the Chapter met and deputed One, and the Clergy of the Diocese Two to appear for them in Parliament. The Persons so deputed had *Procuratoria* (or Letters of Substitution, and Ratihabition) given to 'em from the Persons they represented: These ran always in the same Terms with the Writs of Summons, and varied according to them; so that when the One was *ad tractandum, ordinandum, & faciendum*; or *ad faciendum & consensendum*, or *ad consensendum* only, so was the Other. These Instruments they exhibited the first day of the Session, or at least of their Appearance there; and *Memorandum's* of them

Literæ de  
Rato.

were enter'd, together with the other Proxies, by the Clerk of the Parliament.

This was the Method in which the *Pramunientes* was Executed upon the Inferior Clergy, and obey'd by them : a Method, not practis'd once, or twice, upon an Exigence only (as our Adversaries ignorantly talk) ; but for two hundred years and upwards, at least, after the first framing it.

Several times it was inserted in the Latter Years of *Edward* the First, as the Writs Printed by *Pryn*, and *Dugdale* shew, and sometimes

\* For instance, the Writ for the Parliament in *Quindenâ Purific. 33 E. 1.* is Printed in *Dugdale* (p. 45.) without the *Pramunientes* : whereas both *That*, and the Writ of Prorogation certainly had it ; as appears from a *Certificatorium* relating to the one, and a *Procuratorium* to the other ; both enter'd in a Register of *Henry* the Prior of *Canterbury*.

† *Parl. Wr. Vol. 1. Pp. 118, 117, 118.*

when they take no notice of it \*. And I have seen either the *Certificatories*, or *Letters of Proxy*, that were drawn up by some *Capitular Body* or other, in relation to every one of these Meetings. Three or four of these for the Convent of *Bathe*, *Pryn* † has given us as *Rarities* ; and indeed they are All that I have seen Printed any where, (for *That* which he mentions out of *Selden* is a

*Deputation* for an *Abbat* only) : However in the Old Chapter-Books they are very commonly to be met with ; and from thence therefore I shall take the Forms of some Few ||, and the Dates of as many more as will be requisite to continue the Succession of them down to *Henry* the Eighth's Reign.

¶ See Append.  
Numb. XI.

All *Edward* the First's time, I have said, that this Clause had its due effect ; the Clergy, by vertue of it, resorting from Both *Provinces* to Parliament. Of this the Evidence is very Full and

and Convincing; in relation to his Last Parliament at *Carlisle*, the Records of which Ryley has Printed at length in his *Placita Parliamentaria*; and amongst them, the Names of all those *Proffors* that appear'd for every *Capitular Body*, and for the Clergy of Each Diocese of the Kingdom. 'Tis the only thing of the kind that is extant, or perhaps preserv'd; and the Book where it lyes is in the Hands of Few but the Professors of the Law: for which reason I shall place a *Specimen* of it in the *Appendix* \*.

\* See Num.  
XII.

Nor did any Change happen in this respect, all *Edward* the Second's time: Indeed the Weakness of that Prince (who was given up to his Favourites and his Pleasures), and the Ascendant which Archbishop *Winchelsey* had over him, after his Return from Exile, encourag'd, the Clergy to slacken a little in their Obedience to this Clause, at the Beginning of his Reign: and once or twice under Archbishop *Reynolds* they attempted to free themselves wholly from the Authority of a Lay-Summons. But they could not bring it to pass; and after a short struggle therefore soon return'd to their Duty, and made their Representatives regularly, according to the Tenor of it, throughout all the Latter part of his Reign. It will be at least a curious, if not an useful piece of knowledge, to give our selves some Account of the Steps taken by the Lower Clergy, to get rid of the *Præmunientes*, and of the little Varieties made use of in convening them, at this Critical Time.

\* Vide  
Procuratoria data  
3. Apr.  
1307. &  
25. Apr.  
1309. in  
Registro  
Henrici  
Prioris.

In the first and third years of this Prince, when it went out, it was comply'd with \*: but the Clergy afterwards fell off, so that in his

\* See the  
Form in  
Dugd.  
Summo-  
it. Pp.  
77, 78.

fifth year, he found himself oblig'd to insert a Clause of a different nature into the two Archbishops Writs \*, ordering them to bring the Clergy (not of their several *Dioceses* only, but) *Provinces* to Parliament. And here (for ought I can find) the Foundation was laid for that Practice of a *Double Summons* of the Clergy, both by the *Provincial*, and *Bishop's Writ*, which grew afterwards the settled Course, and does even to this day (with some small Variety as to the Form) obtain.

† See Ap-  
pend.  
Numb:  
XIII.

Two years afterwards a New Attempt was made by the Crown, to bring Each Province apart before the King's Commissioners, out of Parliament time, but by Writs in a Parliamentary Form to the several Suffragan Bishops, and by others to the two Archbishops †, ordering them to convene their Clergy Provincially at two different Times and Places therein mention, *Prout in proximo Parlamento nostro apud Westminster habito tam per Clerum quam per Communi-*

† This refers to the Parliament in Quindenâ Paschæ, (Dugd. p. 95.) which was Summon'd with the *Præmunientes*, and that Clause was (as appears by these words) obey'd.

*tatem regni nostri extitit concordatum* †. The Direction of it was, *Venire faciatis coram dictis fidelibus nostris Suffraganeos vestros, Decanos, Priores Ecclesiarum Cathedralium, Archidiaconos, Abbates Exemptos & non*

*Exemptos Provinciae vestrae in propriis personis; Capitula etiam—per unum—& Clerum—per duos Procuratores, ad tractandum & consentiendum unâ Vobiscum, &c.* And because the *Exempt Abbats* might be backward in obeying the Archbishop's Mandate, They too had the same Writ sent 'em, as the Suffragans had, the Clause *Præmunientes* only excepted. Had this Method succeeded,

— it



it would have brought the Clergy more effectually, and in fuller Numbers to Parliament than the Præmunitory Clause did. When met therefore, they took the Alarm, and remonstrated against it, as a Novelty, never before practis'd, in *formâ quâ nunc scribitur*. They complain also of the Total *Inserion* of the King's Writ into the Archbishop's Mandate, as tending to a manifest Subversion of their Privileges, and desire a Revocation of it; and that they may be resummon'd in a Regular Manner, by the Archbishop, without any Interposition of the Civil Authority; which was granted. The Remonstrance \* is set down in an Old Cotton-Manuscript †, but with a false Date: for it is there supposed to be made at a Convocation in 1322, to which it no ways belongs.

\* See it  
Append:  
Numb.  
XIV.  
† Faustin.  
A. 5.

The Alteration this produc'd was, that the next year [of this Prince's reign, but the same of our Lord] the Archbishop had two several Writs directed to him, when the Parliament was Summon'd; the One, as he was Bishop of the Diocese, with the Usual Clause for the Lower Clergy; the other ||, as Metropolitan, to cite those very Clergy, and no others, *Provincially*, who were call'd up by the Writs to their several Diocesans. But neither would this Method take easily, for the Clergy, when assembled, protested against such sort of Citations by the Archbishop, as calling a part of the Body only; and those *ad Curiam Sæcularem*, *puta Domini Regis Parliamentum quod in Camera ejusdem inchoatur*; and therefore *tam ratione Fori, quam Loci*, Uncanonical; and say, that for the future they will not obey them \*.

|| See it  
Append.  
Num.XV.

\* See their  
Protestation.  
Append.  
Num.XV.

\* 9 E. 2.  
1315.

† Dated 15.  
Kal. Jan.  
1315. in  
Registro  
Reynolds.

For which reason when the year after \*, Both these Writs went out again, the Archbishop varied a little from both in his Letters Mandatory †; for he call'd not only those specify'd in the Præmunitory Clause, but the *Whole* Clergy of his Province; to appear, not in *Parliament*, but before *himself*, in a Sacred Place, the Day before the Time prefix'd by the King's Writ: Nor does he in his Mandate recite, or mention this Clause; but refers himself to that Other Writ, which the King sent out at the same time to enforce the *Præmunientes*; and

|| Cum nos Rex suis Regati-  
bus excitaverit—Nos Regis  
Majestatis hujusmodi Precibus  
eò facilius inclinamur.—

mentions it, as a *Request* || only on the Crown-side, and a *Condescension* on His; but not as a Legal Command, issu'd by a Competent Authority.

The Clergy thus conven'd stood by him in what he had done, and made their Excuse for not appearing at the Place the King directed; praying the Archbishop and his Suffragans to be instant with the King, that he would not insist on his Summons, but give them the Liberty of declining it. So I gather from a *Petition* of theirs (in an Old Book in the Cotton-Library \*, said to be made *tempore Edwardi 2di*, without any further Date; but seeming by its Place in the Manuscript, and some other Coincidences to belong to this year, and to this Assembly. The Reader will find it in the *Appendix* †. Whether they carried their Point, at this time, I know not, but soon after we find, the Writ with the *Præmunientes* inserted in the Archbishop's Mandate ||, and formally comply'd with by the Clergy.

\* Faustin.  
A. 8.  
† Numb.  
XV.  
|| Vide Re-  
gistr. Henr.  
Prioris, f.  
227. & fol.  
263. where  
it appears  
that the  
two Writs  
with the

*Præmunientes* of the 15 E. 2. & 20 E. 2. Printed by Dugdale, (Pp. 122. 136.) were formally obey'd.

When

When the *Procuratoria* were drawn, in relation to the *Præmunientes* alone, they ran (as that did) *ad faciendum & consentiendum*, or *ad consentiendum* only: when the Provincial Summons went out also, the Clergy's Powers ran *ad tractandum cum Venerabili Patre—Prælati & Clero*, *necnon ad Consentiendum*; which answer'd Both the Citations. And sometimes *Double Instruments of Proxy* were fram'd both for the Parliament and Convocation, and different Proctors appointed for each of 'em. And this, I conceive, was as often as the Parliament was held out of the Province, and the Clergy were at the same time to meet Provincially at home \* and do business; for they could not then assemble with the Parliament, or near it; and sent their Proctors therefore to testify their Consent to what should be done in it. And the same thing I have observ'd to be done sometimes even in that Province

\* An Instance of such a Double Procuratorium is to be seen in Registro Henr. Prioris, fol. 202, 203. naming different Proctors to represent the Chapter of Canterbury in the Parliament to be held at York, à die Paschæ in mensem, and in the Convocatio Cleri London in Quindenâ Paschæ. It was in the Year 1319.

where the Parliament met, if the Archbishop of it did then solemnly hold his Provincial Council: for in this case also different Proxies were return'd to these several Meetings †.

† An Instance of this kind also I have

met with Ann. 1323, when the Parliament was held in die Purific. and the Archbishop's Provincial Council about the same time: The Dean and Chapter of Lincoln send Proctors to both of them. Vide Registr. penes Dec. & Cap. Linc. ab Anno 1321, ad 1339. fol. 33.

Now then, tho' the *Præmunientes* was obey'd Nationally, yet the Clergy that met with the Parliament acted Provincially, i. e. the Clergy of that Province where the Parliament was held,

\* Thus in the Instance before given An. 1321, The Clergy of York-Province, (where the Parliament was

held, acted as a Synod conven'd by their Metropolitan, and the Clergy of the Other Province sent their Deputies to the Lay-Assembly to consent for them, but tax'd themselves, and did all manner of Ecclesiastical Business at home \* in their Own Province. And this was pitch'd upon as a Mean of complying with the Canons of the Church, which requir'd frequent Provincial Councils, and yet paying their attendance in Parliament: the Archbishop's Mandate Summon'd them to the One, and the Præmunitory Clause to the other, and Both were obey'd.

held) are only said to have made their Grant in Parliament. For a Writ (testes July 19. that Year) to the Archbishop of Canterbury recites, how in Parlamento nostro ultimo apud Eborum summonito—*Xa Cleri in Prov. Ebor. XVIIIva. Bonorum Mobilium Communitatis regni & XIIa. in Civitatibus Burgis & Dominicis nostris fuerunt concessa: But the Clergy of Canterbury-Province are not said to have granted in Parliament, tho they met at the same time Provincially, and Consented to the Grant of a Tenth, which the Pope had impos'd upon them, as the same Writ afterwards recites. See it Reg. Henr. Pr. fol. 211.*

Nay, so great stress was laid on this Clause,

† There was the same Reason for it, when a Bishop dy'd, and therefore the Practice, I suppose, was the same.

that when an Archbishop dy'd †, after it went out, and before the Return of it, a New Summons was sent to the Guardian of the Spiritualities commanding him agen to warn the already premonish'd Clergy; and a particular Writ directed over and above to the Dean and Chapter of the Cathedral, enforcing that second Summons; the Tenor of which Writ was, *Nos Nolentes per mortem præfati Archiepiscopi dicta Mandata nostra differri, set ea potius per Vos executioni debitæ demandari, Vobis Mandamus, &c.* I take

take this to be very material to prove, how strictly the *Præmunientes* was executed upon the Inferior Clergy, and obey'd by them; and shall therefore among the Instruments \* Print it at large, as *Pryn* † has given it us. Mr. *Eljing* || therefore makes this the formal Reason of Summoning the Guardians of the Spiritualities, and the Vicars General, when the Bishops of such Sees were either dead, or in Foreign Parts, [He might have added also why *Bishops Elect* were Summon'd before Confirmation, and even the *Vicars General of Elect Bishops*, when those Bishops were abroad] because they were (says he) *Præmunire Clericos*, i.e. that the Inferior Clergy might be sure to have their Summons. This may have been one Reason of that Practice, but I do not think

it the only one \*, because it does not account for the Summons of *Elect Abbats* also, before their Installment; and I doubt not therefore but this Custom had its Rise chiefly from the *Double Capacity* in which the Greater Clergy attended the Parliament, both as Spiritual Prelates, and Ba-

rons of the Realm: on which account when they had not a right to a Summons as Barons, yet as Ecclesiastical Prelates, they had. However, They who make this Supposition, make it mightily to the advantage of the Lower Clergy, and suppose their Presence in Parliament to have been indispensably necessary. And thus stood the Clergies Obligations in relation to the *Præmunientes*, throughout *Edward the Second's* Reign.

\* Append.  
Numb.  
XVI.  
† Parl. Wr.  
Vol. i. Pp.  
152, 153.  
|| P. 50.

\* It could not be the Only one, because long before the *Præmunientes* was inserted, the Custom was, to Summon the Chapters of Vacant Sees to Parliament: of which take this Instance from M. Paris, who tells us that in the Parliament of the 38 H. 3. there were *Procuratores trium Sedium Vacantium, ex parte scilicet Capitulorum*. P. 643.

*Edward*

Edward the Third continu'd this Practice upon the very same Foot that he found it : the only difference was, that whereas before his Time the *Præmunientes* was inserted, or left out, at the King's pleasure, in his Reign it grew a constant and necessary part of the Bishop's Writ ; so that no *Parliament* ever met without one, after his sixth year ; that is, indeed, after the Compleat Settlement of Parliaments upon the Foot on which they do now, and will, I hope, for ever stand. And this Observation alone is sufficient to shew, that the Clause in the Bishops Writ was not grown Useless ; for if it had, it would not then have been most regularly inserted, and have grown most in request, when its Use and Significancy (if some Mens word were to be taken) had utterly vanish'd.

In the year before it was fix'd, tho' there were several Summons to Parliament, yet it was inserted but in One of them, and in that One it was obey'd. For the Records of Parliament tell us, that upon a Debate, *the Bishops and Proctors of the Clergy went by themselves* \*. And that These were Proctors of the *Inferior Clergy*, according to the strict sense of the word, and not the Proxies only of Absent Bishops, Abbats and Priors, (as *L. M. P.* dreams †) does from hence appear, that in the other Parliaments of this year, when the *Præmunientes* was not practis'd, no mention is made of the Proctors of the Clergy ; the Phrase then being, that *the Bishops went by themselves, the Lords by themselves, and the Knights by themselves* †. Neither is there ever in those Records any mention of the *Proctors of the Clergy* at a Great Council,

\* Abr. of  
Rec. p. 11.

† P. 32.

‡ P. 12.

cil, but at *Parliaments* only : the reason of which is, that Parliament-Writs only had the *Præmunientes* in them, but the Summons for Great Councils had not.

And now therefore the Clergies Returns for the Parliament are frequently to be met with in our Old Registers, Parliaments themselves being frequent. If in the succeeding Reigns we find not so many of these *Procuratoria* on Record, it is not to be wonder'd at : for the Archbishop's Writ, which went out concurrently with the *Præmunientes*, being understood to be a Summons to Parliament (which it was in Effect, tho' not in Terms) and being strictly executed upon the Inferior Clergy, might in time bring on a Disuse of the Forms practis'd in Executing the Other. The Bishops, through whose Hands both the Parliamentary and Provincial Summons came, might sometimes, ei-

ther by the Neglect of their Officers \*, or as thinking it sufficient, transmit the first of them only ; or, if Both were transmitted, might wink at the Clergies Omission in making their Return but to the One : as not being unwilling to sooth up the Lower

\* To this Neglect of their Officers that Clause seems to have refer'd, which was an usual part of the King's Writ to the Archbishop in E. 2. & 3ds time, *Nos nolentes negotia nostra pro defectu Præmunitionum antedictarum, si forsan minus ritè factæ fuerint, aliquid retardari.*

Orders in their Averseness to comply with a Lay-Summons ; because that sensibly increas'd the Greatness and Power of the Parliament Prelates ; and by degrees brought the Clergies Interest in State-matters all into their Hands. Besides oftentimes, when the Bishop executed the *Præmunientes*, and the Clergy certify'd upon it, yet no notice might be taken in our Re-

gisters



gifters of Forms which return'd so very frequently, and which were not stood much upon, while the Provincial Mandate, that went out on the same Occasion had its certain and Regular Course. These and several other Accidents might, I say, conspire to make the Entry of such *Procuratoria* in Chapter-Books less frequent in after-times : however neither are they sow'd so thinly there, but that we can make a shift from the Helps of this kind that are left to continue the Succession of them down from the 22 E. 1. to the Latter End of *Henry* the Seventh's Reign, as low as whose 19<sup>th</sup>. year \* I have seen a Deputation † made to a Monk, to represent a Capitular Body in Parliament ; and that, drawn up in such a manner, as to be at once a Joint-Proxy both for the Parliament and Convocation. I question not, but that there are more of a Lower Date (tho' I have not had Opportunity, or Leisure to search for them) for I find that the *Præmunientes* was executed in form, as low as the 33<sup>d</sup> and 36<sup>th</sup>. years of *Henry* the Eighth || ; and Returns therefore were for some part of his Reign very probably made to it.

\* Anno  
1503.  
† See App.  
Num. XI.

¶ See Registr. Bonner. fol. 33, 65.

Not many years after this, the Custom of returning Proxies to Parliament in Form, did, I believe, cease : and if a Conjecture may be allow'd in a matter of this nature, where with some care and search one might be certain, I should choose to fix the Time of this Total Disuse, not far off of the 6<sup>th</sup>. or 7<sup>th</sup>. of *Henry* the Eighth, when the Disputes between the Spirituality and Temporality about the Exemption of Clerks, growing loud and warm, and the Clergy with an high hand asserting their  
Privi-

Priviledges, might take up thoughts of setting themselves free also in another Instance than that which they contended about, and agree generally to frame no more Instruments of Proxy in Obedience to the Lay-Summons. And this Guess of mine falls in well enough with the Tradition my Lord of *Sarum* mentions as prevailing in Queen *Elizabeth's* time, *that the Inferior Clergy departed from their Right of being in the House of Commons, when they were all brought under a Præmunire in Cardinal Wolsey's time* \*; if we understand this of the first *Præmunire* they fell into upon the Citation of *Stan-dish*, and not (as his Lordship does) of that from which they ransom'd themselves by a Tax and a Submission, fourteen years afterwards; and if by *departing from their Right of being in the House of Commons* we do, as we must, suppose his Lordship to mean, that they declin'd sending up those Deputations to Parliament, which manifested their Antient Right of sitting in it, and being part of it. For there could not possibly be any *Tradition* in Queen *Elizabeth's* time of the Inferior Clergy's sitting in the House of Commons, in the middle of *Henry the Eighth's* Reign, because there were probably many Persons then alive, who remember'd the contrary, and there were certainly some who understood the Old Constitution of Parliaments well enough to contradict so absurd an Opinion, and prevent its spreading: a very small degree of skill in our *English* Antiquities sufficing to have inform'd 'em that the Lower Clerks had *no place in the House of Commons*, not only at the Period assign'd, but for an hundred years before it. The truth is, I am  
the

\* Hist. Ref.  
Vol. 2. p.  
48.

\* See it  
Coll. of  
Rec. Vol.  
2. p. 121.

the worse satisfy'd with this Guess of mine, because I do not find what Ground his Lordship had to say, that there was in Queen *Elizabeth's* time, such a Tradition. For he seems to have taken up this Opinion from the fourth Article of Bishop *Ravis's* Paper \* which he there quotes: whereas I must take the Liberty to say, that his Lordship misunderstood that Article, if he thought it related to any thing done in *Henry the Eighth's* Reign. For the *Separation* there spoken of is plainly of antient Date, and refers (as there is good reason to think) to the Times of *Edward the First*, and Archbishop *Winchelsey*. But whatever was the precise time at which the Clergy desisted wholly to make their Returns to the Bishops Writ, it is certain they did not think, that upon that failure the Effect and Influence of the Præmunitory Clause ceas'd, but look'd upon themselves as still Summon'd by it, and meeting in vertue of it, in their Parliamentary Assemblies. Of this their Remonstrance in Queen *Elizabeth's* Reign, is a Solemn and Authentick Proof; the words of it have been produc'd already, Page 66. of these Papers, and thither I shall refer the Reader. If after this we hear of no Formal Claim made by the Church in this case, it was because there was no need of it; Common Opinion, and Common Practice being all along of her side; and no Instance to be given of a New Parliament Summon'd, without a Convocation to attend it, from the Times of the Reformation, till some years after the late Revolution. And no wonder therefore that a Claim was not frequently put in; which was never till lately deny'd, or disputed.

Thus

Thus have I given the Reader some account of the *Præmunientes*, its Rise, and Use, and of the Methods which all along have been taken by the Bishops in Executing it, and by the Lower Clergy in obeying it. An imperfect Account indeed! however such an one, as does, I am sure, sufficiently expose the Letter-writers pretence †, that it was a Clause added only upon a Particular Occasion, and continu'd after the Business was determin'd, and has stood in the Bishops Writ these 300. years without any manner of Use. Assertions that, I might by this time be allow'd to tell him, could flow from nothing but the Depth of Ignorance or ill will to the Function, were I not restrain'd by considering whence \* it is that he borrows his Light, and Who therefore would be understood to share the Reflection.

† P. 32.

\* Hist. Ref.  
Vol. 2. p.  
48.

Indeed strange it is, that any Man in the least vers'd in our Antiquities should doubt, whether the Clergy came to Parliament by the *Præmunientes*; and stranger still that he should imagin that Clause to have been preserv'd in the Writ by Accident, after its first Insertion, and think to account for this merely by the neglect of a Clerk ||. A neglect, that must have continu'd now for above four hundred years; and yet could not possibly have continu'd One, if it were a neglect, without being observ'd, and amended. No Forms were more nicely worded, or more Religiously kept to, in the main Frame and Substance of them, than Writs of Summons to Parliament. After they first issu'd out, they receiv'd not any the minutest Alteration but by the Command of the Prince, signify'd by his Chancellor; and after

|| Ibid.

\* Gladiis  
cincti.

† Cl. 11.  
R. 2. m.  
23. dorf.  
See Pryn.  
P. W. Vol.  
2. p. 121.

|| See *em*  
Pryn. Par.  
Wr. Vol. 1  
p. 5.

\* Sir Sy-  
monds d'  
Hwes, p.  
38.

they were fully fix'd, not any that was Material, but by Consent of Parliament. How many Ordinances of Parliament were there in Later Times for the several Successive Changes in the Writs for Electing the Commons? Particularly that New Circumstance, that the Knights should be *girded with Swords* \*, and the Clause of *Nolumus autem quod Tu, nec alius Vicecomes, &c.* inserted in the 13th. and 46th. of E. 3. had they not the Authority of the three Estates to warrant them? And when afterwards Richard the Second added to the Commons Writs this Particular, that the Persons return'd should be *in Debatibus Modernis Indifferentes* †, was he not forc'd to retract it immediately, and issue out New Writs in the Old Form before the Session came on? When Edward the Third in the fourteenth of his Reign, made an Addition to his Regal Titles in the Writs of that year, he excus'd his so doing in the Writs themselves ||, and referr'd himself to what the Parliament, when met, should order in that matter. And in the first of Queen Elizabeth there was, we know, a warm dispute, whether the Omission of the Title of *Supreme Head* in the Writs of Summons (tho' it had not been then practis'd thirty years) did not null the Proceedings of those Parliaments where it was wanting ||. At such times as these, when the Parliament appears to have been so jealous of any Alterations in these Forms, can we imagin that the *Præmunitory Clause*, had it been kept in by the *neglect of a Clerk*, would not have been retrench'd? They that can suppose this, may as reasonably suppose also, that some have grown Barons by Writ by the *Neglect*

lett of a Clark, who finding them Summon'd once or twice to Parliament, continu'd to Summon them on, without the Prince's Privy or Consent, and so made them Lords of Parliament. For if the Neglect of a Clark can account for any Material Clause or Part of a Writ, it may as well account for an Whole one. 'Twill be a more reasonable way of applying this Supposition, and more honourable to the Maker of it, to suppose, as I am willing to do, that the Passage which contains it, was a part only of the Rude Draught of his Lordship's Work, and expung'd by him upon a Review, but kept in by the Neglect of the Transcriber; upon whom I find his Lordship lays very great Blame: And indeed, if he stands answerable for All the Neglects that are, and may be charg'd, I think, very deservedly.

Let t. to Bp.  
of Cov. &  
Litch. in  
1693.

But should many mistakes of this kind be found in that Celebrated Work, yet would they receive an Easie Excuse. The Composer of it, having his Thoughts busied chiefly in that Period of Time to which his History reaches, might, when he steps backward, and takes a greater Compass, over-look Truths sometimes that lay hid in our Elder Records, where his Lordship had not leisure to search for them. If the Main Facts he professes to relate, and the Colours he gives to those Facts are right; if there be no premeditated Omissions, or Disguises of Material Truths; no Design'd Compliances with Popular Mistakes and Prejudices; if that Air of Impartiality which at first sight seems to run through the Relation be undissembled, and not only a more Artifici-

al Way of conveying false Principles and Characters into the mind of the Reader: if, I say, in These, which are the most Essential Vertues and Beauties of good History, his Lordship's Labours will bear the Test (which his Lordship's Friends do not much doubt) tho' it should after this be granted, that Mistakes of a Lesser Size and Importance abound there without number; and particularly, that the Digressive Part of the Book has little of Exactness in it; this would not however sink the Reputation of the Work: it is what, considering the Haste of the Composition, is not to be wonder'd at; and may easily be excus'd. All that One could have wish'd in the Case is, that where Light on these, and such other Accounts as these was wanting, and Mistakes therefore were necessary, his Lordship had been so happy as to have mistaken always on the Side, and to the Advantage of the Clergy; which, some Readers will tell us, his Lordship has not always done. But let this be as it will. The Plea here advanc'd in behalf of that Eminent Historian cannot be made use of to excuse our *Letter-Writer*, who has no manner of Title to it. It was His Chief Business to have consider'd with care the Rise of the *Præmunientes*, and the Reasons of its continuance; the Obligation it was all along understood to lay on the Inferior Clergy, and their Methods of complying with it; this being one Great Article upon which the Dispute, that he was so willing to thrust himself into, turn'd. And his Ignorance therefore of every thing that relates to it is inexcusable; but his Confidence, under so Gross a degree of Ignorance  
yet



yet more inexcusable. For these are his Peremptory Words—— *That the Clergy were ever a part of the Parliament, or sat in it, is very uncertain; the Affirmative being supported only by Conjecture; without any Record or Authentick Memorial to maintain it* \*. Words, which \* P. 31.  
 no Learned Man could ever have said, and no Wise Man, conscious of his want of Skill in this point, would ever have ventur'd to say. But it seems neither of these Qualities hinder'd our Letter-writer from falling into them, and by that means affording us a clearer Proof of his own utter Unfitness to meddle in this Argument, than he has given of any One Point besides that he pretends to maintain. For it is certain (as certain as that these Words were thrown out by this Gentleman at Random) that the Interior Clergy were a part of the Parliament, were Summon'd, and repair'd to it as such, and as such sat in it, both when the *Præmunientes* first went out, and many years afterwards—— *sat in it*, I say; not under the same Roof, indeed, with the Laity (I mean not Ordinarily); but asunder, as a separate State; and as the Lords now sit (and even then, for the Greater part of this Period, sat) asunder from the Commons. And he who makes this matter of *Conjecture*, and pronounces it *Uncertain*, puts it beyond a Conjecture, how far in things of this kind, his word is to be taken. I have shewn him, that there are many Unquestionable Records, and Authentick Memorials yet left (some Printed, but more in Manuscript) which prove the Clergy to have been once in the strictest sense of the word, a Member of Parliament: and if the Church part of

these Records lay out of his way (tho' they were as open to Him, I dare say, as they were to me) yet as a Lawyer, methinks, he should have had some Acquaintance with *Ryley's Placita Parliamentaria*.

\* As for Dr. Wake, he resolves to be as little out as he can on this Head, and therefore wisely says nothing of it. For from the Beginning to the End of his Book you shall not find a word to inform us, how the *Premunientes*, after its first Insertion, was executed upon the Interior Clergy, and obey'd by them. He seems indeed to be of Opinion, that the Clergy were a Part of Parliament, in Edward the Third, and Richard the Second's Reigns; and he means, I suppose, that they were a Part of it, as Summon'd thither by the *Premunientes*, tho' he does not say so. However, that the Vertue of that Clause has long since ceas'd, so that it is now become utterly useless, in That he is positive: and modestly therefore proposes a Retrenchment of it from the Bishop's Writ; *thinking it advisable to reduce that Writ to its first Form, when the Proctors of the Clergy not coming, neither were they Summon'd to Parliament* †. A very free piece of Advice indeed! which not only his Order, but the Great Council of the Realm have reason to thank him for! Who for some hundred years have been under the Mistake of thinking this Clause an Essential Part of the Writ, till their Eyes were open'd at last by this Wise Observer! While our Constitution was unsettled, these Writs were so too; but they are now as Immovable as That. Let them have been Letters of Grace, or Badges of Duty at first, they have since grown to be Charters of Right and Privi-

\* Pp. 213,  
214.

† P. 253.

Privilege by long Use and Continuance. The *King, Lords and Commons* indeed may alter them, if they please, (for they may do any thing); but I humbly suppose that no One Part of the Constitution can do it without the Other. Some of our Princes indeed have attempted to make some slight Changes in them; but scarce sooner entred on the Attempt, than they disclaim'd it. Had Dr. *Wake* known in the least, how Sacred those Forms are held by our Law, and of how great Importance it is to the Constitution to preserve them, he would never have dur'd to recommend such an Alteration as this; but Ignorance is fearless! We may see here, how the Love of *Alterations* creeps upon a Man, and how far in time it may carry him; from mending the Model of the Church (which was the work Ten years ago) to the Improving that of the State; without considering, that the One of these may be tamper'd with, and practis'd upon more easily than the other, and more securely. When such Bold Proposals as these come from Private Unauthoriz'd Hands, they deserve a Publick Censure; and, (because I am for every thing's having what it deserves) I hope, will find it.

Dr. *Wake* it seems, does not understand to what purpose this Clause is retain'd in the Writ, and proposes therefore a Retrenchment of it. An hard Case this, that the Writ should be alter'd, because he does not understand it! for at this rate, what Old Forms are secure? I have endeavour'd however to help his Understanding a little, and to shew him, that it is retain'd there to very good Purpose; that it declares the *King's* Right of Summoning the

Clergy, to attend his Parliaments in Body, the *Lords and Commons* Right of being thus attended, and the *Clergy's* Right also to be Summon'd, and to attend accordingly. And that These are very great and weighty reasons for keeping it there, appears from what has hap-  
 pened already, and may happen hereafter. The Time is now come when the Clergy find themselves oblig'd to put in their Claim to a *Parliamentary Attendance*, because it is disputed: and according to the Natural Vicissitudes of things, a Time may possibly come, when the *Crown*, or the *Lords and Commons* shall want the *Parliamentary Attendance* of the Clergy, and be willing to claim it. Equal Provision is made against each of these Inconveniences, by continuing the *Premunitory Clause* in the Bishops Summons: where, I hope, it will ever continue, even tho' a Set of Future Bishops should arise (which God forbid) that would be contented to be Summon'd without it, as not considering, that it is as much Their Interest, as the Inferior Clergy's, to keep this Form whole and intire, and that if the one part of the Writ goes, the other may nor stay long behind it.

Were this Alteration at any time to take place, it had been well for Dr. Wake that it had hapned, before he wrote his Book, for then had the Clause been left out of the Writ, he might have left it out of his Appendix too, and by that means sav'd himself the shame of those Childish Mistakes which he has committed in Reciting it; and which shall in due Time and Place be made known. Nothing

\* See p.  
 417, 8, 9.  
 of these Pa-  
 pers.

Nothing could have taken off from the Extravagantness of Dr. Wake's Proposal, but as wild an Assertion of a certain Acquaintance of his, who is not afraid to tell us, that *Parliamentary Writs prove nothing of the Constitution*\*, and this in words at length, and not in Figures! A Glorious Maxim, which the Lords and Commons at Oxford knew nothing of, who declare that *the Writs of Summons are the Foundation of all [Parliamentary] Power*†. I shall say not one word to disprove it; for *Parliamentary Writs and Constitutions* are able to take care of themselves. Only I cannot but observe how wise a way he has taken of making this Maxim good: For (continues he) *a Writ of Summons in the Time of Edward the First upon occasion of War with France, had this Clause, [Quod omnes tangit ab omnibus approbetur.] And in May with us much reason be concluded from that Writ, that the King cannot make Writs without the Approbation of his Parliament, in favor of the Present Writ that he cannot hold a Parliament, without calling the Clergy to it. That is the King's known Prerogative may with as much reason be barr'd by an Expression once inserted in the Preamble of a Writ, as the Clergy's Right and Privilege can be grounded upon a Clause in the Body of a Writ, which has stood there for above four hundred years. What a wonderful way of arguing is this? how can we choose but surrender upon such Proofs, as soon as they are produc'd? Dr. Wake, I remember, has an Axiom, that *Logick is one thing, and Law another* ‡ (which, by the by, is all he knows of either). And I must needs say, that I never in my life met with a better Instance of the Truth of that Axiom, than in this Gentleman's Law-Reasonings.*

\* L. M. P.  
p. 32.

† Declaration of the  
Treaty, p.  
15.

‡ P. 252.

Thus

Thus far of the Inferior Clergy's Summons to Parliament by the *Clause* in the *Bishops Writ*; the Rise, Nature, and Force of which I have fully explain'd, and prov'd that it is not even at this time so insignificant a Form, as we are made to believe; much more, that it has not been so now for some Hundreds of years. But there is also another Summons of the Clergy; tho' not to Parliament, yet to meet in *Parliament-time*, under the Two Archbishops, in their several Provinces. And This too has been regularly issu'd out, as often as a New Parliament was call'd from the Latter End of Edward the Second till now; with Few Exceptions to the contrary; and with None, from the first Dawn of the Reformation in Henry the Eighth's Reign, down to this present. And from this Antient Custom (as Antient as the Compleat Settlement of our Constitution) the Clergy think themselves intitled to be Summon'd, to assemble, and to sit *Provincially*, when ever a New Parliament meets.

But here it is objected, that the King's Writ to the Two Archbishops to call the Clergy of their Provinces together has no relation to the calling of a Parliament, nor does so much as mention it<sup>r</sup>; that a Convocation is not in its Nature and Constitution at all dependent upon a Parliament; that its Summons is distinct from that of a Parliament, and so is its Dissolution: and, admitting therefore that the Clergy ought to be call'd to Parliament (which is all that can be inferr'd from the Bishops Writ), yet doth it not follow therefore that the Convocation ought to be Summon'd, when the Parliament meets;

meets; for that is plainly a *Distinct Assembly*, and *Summon'd by a Distinct Writ* \*. And much to the same purpose *Dr. Wake*, p. 226. (284.) and elsewhere, has stated the matter. I think this needs no Answer, but what it has already receiv'd. For allowing the Objection in its full force, yet since *Custom is the Law of Parliaments*, and it has perpetually been the Custom to issue out these Writs to the Archbishops, whenever Writs went out for the Parliament; it is certain that the Clergy have a Right to these Provincial Assemblies in Parliament time, on the account of this Antient Prescription, tho' the Convocation-Writ it self should neither mention a Parliament, or any ways refer to it. For if a Custom, of three or four hundred years standing, will not create a Right, I know not what will. However, that I may not seem to neglect any thing that has the Look of an Objection, I will give a further and more distinct Answer to it; going on (as I propos'd) in the

24 Place to shew, that the Writs to the Two Archbishops to convene the Clergy of their Provinces, tho' they do not expressly mention a Parliament, yet have an Immediate Reference to it; the Original Design of their issuing out together with the Bishops Writ being only to secure an Obedience to the Præmunitory Clause, and to make the Clergy's Parliamentary Assemblies more Full and Certain. This is so Indubitably true, and so capable of being made out clearly from the Elder Convocation-Writs yet remaining, that had *Dr. Wake*, or the Letter-Writer seen any one of them they would have foreborn starting this



this Objection, for very fear of receiving the true Answer to it; than which nothing can more expose the Weakness of that Cause they plead for, or of the Arguments they bring to maintain it. The Case was truly thus —

From the time that the *Præmunientes* was first grafted into the Bishops Writ, the Popish Clergy, who out of a false Policy studied all ways of dividing themselves from the Laity, were, as I have said, very uneasy under it, and cast about how to evade it. When it went out therefore in the 33 *Edw. 1.* Archbishop *Winchelsey* took this way of salving in some measure the pretended Privileges of the Clergy, without disobeying it \*. In his Letter to the Prior and Chapter of *Canterbury*, he recites not the whole Summons sent him by the King, but the substance only of the *Warning Clause*, and then commands them (as he did I suppose the Clergy of his Diocese by the Archdeacon, and all the rest of his Province by the Dean of it, the Bishop of *London*) to appear before himself at *Lambeth*, a Day or two earlier than the Parliament was to meet, in order to treat with Him, (as a Provincial Council) and to do afterwards in Parliament what the Holy Canons of the Church should allow of.

A weak Government succeeding, the Rigor of this Clause was so far relax'd, that tho' the King still kept it in his Writs, yet was he forc'd (as I have observ'd) to call the Archbishop to his help, in order to get it obey'd; and to comply with the Clergy so far as to let the *Provincial* go out hand in hand with the *Parliamentary* Summons; accepting their Obedience to the One, as a Constructive Obedience to the Other;

\* See Appendix.  
Numb.  
XIV (c).

Other, upon Condition, that the Forms should be kept up, that Execution should be duly made of the *Preamunientes*, and Letters of Proxy sent up and Register'd, as often as it went out. And these Acknowledgments being pay'd, they were allow'd to meet, and do all manner of Business in their Provincial Assemblies, according to the Tenor of the Archbishops Summons. This I apprehend to have been the Method of obeying Both Writs, which was then pitched upon, and afterwards obtain'd.

The first Instance of this kind, wherein I remember such a *Double Writ* to have been plainly practis'd, is 8 *Edw. 2.* In which year it went out twice for Two several Parliaments. The Tenor of it was, that "whereas the King had Summon'd a Parliament to such a Time and Place, he did *rogando mandare* the Archbishop Then and There to convene such of the Clergy of his Province, as He and the Bishops were by Distinct Writs order'd to premonish; *ad tractandum & consensendum his que in præmissis tunc ibidem contingerit ordinari.* It was rest'd the same day with the Ordinary Bishops Writ, and transmitted at the same time with it to the Archbishop.

See App.  
pend. Nu.  
XIV (d).

In the 14 *Edw. 2.* (if not sooner) it receiv'd some Alteration; for the Preamble of it recited the Bishops Writ with the Clause *Preamunientes* intirely, and then added; *Nos nolentes negotia nostra in dicto Parlamento tractanda propter absentiam dictorum Decanorum, Priorum, Archidiaconorum retardari, Vobis Mandavimus rogantes, &c.* And thus the Form, with some little Variety, continu'd, for many years afterwards; particularly I have seen the several Writs with this,

See App.  
Numb.  
XIV (e).

or the like Clause, for the several years of E 2.

\* 17 E. 2. Cl. m. 27. dorf.  
20 E. 2. Cl. m. 4. dorf. 1 E. 3.  
Cl. pl. 2. m. 16. dorf. & m. 3.  
dorf. 2 E. 3. Cl. m. 22. dorf.—  
and so in his 3d, 4th 6th, 7th, 8th,  
9th, 10th, 13th, and 14th. years.  
See Pryn's Register of Parl. Writ.  
Pp. 34, 36, 37, 43, 44, 46, 98,  
99. where many of these Writs are  
Printed.

and E. 3. mention'd in the  
Margent \*. With this, or the  
Like Clause, I say ; for from  
the End of E. 2. downwards,  
it ran nearly in these Terms:  
*Et licet Injunxerimus singulis  
Episcopis prædictis quod quilibet  
eorum præmuniri faciat, &c. no-  
lentes tamen dicta negotia nostra  
pro defectu præmunitionum præ-*

*dictarum, si forsan minus ritè factæ fuerint, aliqua-  
liter retardari : Vobis mandamus rogantes, &c.*

Hitherto therefore the Writs for a Convoca-  
tion went not out only together with those  
for a Parliament, but were design'd purely to  
Second and Inforce them, and to be a Double  
Tye upon the Clergy to come to Parliament,  
being call'd thither both by the Bishops Writ,  
and by a Provincial Citation from their Metro-  
politan. And the same Members therefore, we  
may observe, neither more nor fewer, are or-  
der'd to be resummon'd by the Provincial  
Writ, which had been before Summon'd by  
the Premonishing Clause ; Deans, Cathedral-  
Priors, Archdeacons, and the Clergy of Chap-  
ters and Dioceses, being the only Persons ci-  
ted both by the One and the Other, without  
any mention of Bishops, Abbats, or other  
Priors, who had Personal Summons to Parlia-  
ment ; and there being not so much danger  
therefore of Their not attending, the Archbi-  
shop had no Commands in Relation to them.  
Accordingly his Mandate was usually drawn  
just as this Form directed, citing those of the  
Clergy, and no other than those which it men-  
tion'd,

tion'd, and exactly to the Time and Place prescrib'd. I shall present the Reader with a Copy of this Mandate, among the other Records, as it was practis'd Anno 1321, to execute the Writ of the 14 E. 3. just now mention'd, and in it he will find also Expressions which shew, that the same Course had for a good while before this obtain'd.

Append.  
Numb.  
XIV (f.)

'Tis true, when the Archbishop Summon'd in Obedience to this Second Writ, he did not do always just what that Writ exacted, and no more; but took occasion †

sometimes from thence to cite all those Abbots and Priors who had no place in Parliament, in order to compleat the Numbers of the Clergy, and form a *Provincial Assembly*. And he cited 'em to appear (after *Winchelsey's* Pattern) not before the King, and among the other States; but before Himself, in the Chief Church of the Place. But this was at his Choice; for the King's Writ directed

† Thus Anno 1323. when the Parliament met in Octabis S.Hil. and the Præmunientes went out (for the Writ has it, whereby that Parliament was Prorogu'd. See Dugd. Summ. p. ) the Archbishop at the King's Instance express'd in his Second Writ, with the Clause *Nos nolentes*, &c. (a Copy of which for the Prorogation of this Parliament is in Pryn, Vol. 1. p. 98.) Summon'd not the Parliament-Clergy alone, but all (such as compos'd a Provincial Synod. See Reg. Henr. Prioris. f. 234.

him only to command the Attendance of the Parliament-Clergy. And with this the Crown had reason to be content, while the Defects of these General Summons by the Provincial and Bishops Writs were supply'd by Particular Writs directed to great Numbers of Abbats and Priors, as the way was in *Edward the First's* and *Second's* time; the former of these citing Personally to his Parliaments, after the *Præmunientes* went out, often sixty, or seventy, and some-

sometimes above eighty Regular Prelates; and the Latter usually Summoning about fifty of them, till the Declining Part of his Reign. But this being esteem'd an Hardship on those Regulars, who were not by *Tenure* oblig'd to attend the King's Summons (as holding nothing of him by Barony), they were in time omitted, and the Number of Abbats and Priors, who had Personal Writs, reduc'd to about thirty; the Archbishop's General Mandate then calling the rest to his Parliamentary Convocations, and that being allow'd and accepted by the Crown as a sufficient Attendance in Parliament. But what the Archbishop did of himself at first, That he did afterwards at the King's Instance; who took occasion from this Practice to enlarge his own Letters of Direction to him, and by them at last to require him to Summon all those Regular Prelates he was us'd to Summon without such a Direction. This, as it was a Natural Step, so indeed it was necessary, after the Crown had foreclos'd it self from Summoning the greatest part of the Abbats Personally to Parliament: for then it lay purely in the Archbishop's Breast, whether he would call the Unsummon'd Abbats by his General Mandate or no; and so, upon any Dispute between the Spirituality and Temporality, the Crown might have been defeated of their Parliamentary Attendance.

At what Time precisely these Writs to the Archbishop for a *Full Convocation* to be held concurrently with a Parliament, began to be practis'd, I have not found. The Eldest that has yet come to my hands is of the 10th. of *Edw. 3.* when the Parliament was call'd to meet at

*Notting-*

Nottingham die Lunæ prox. post Festum S. Mat-  
thæi † by a Writ dated Aug. 24. And the same † See Dug.  
Canterbury to call all the Clergy of his Province P. 186.  
to Leicester, ad diem Lunæ prox. post Festum S. Mi-  
chælis, that is seven days afterwards \*. And  
the next year again the same thing was pra-  
ctis'd; the Archbishop being order'd to Sum-  
mon the Convocation to St. Paul's, two or  
three days after the Parliament was to meet at  
Westminster †. And still (which is observable)  
the Style of Authority in these Fuller Convo-  
cation-Writs was the same as it was in those  
where the Premonish'd Clergy only were men-  
tion'd; it being a Mixture of a Command  
and a Request [*Rogando Mandamus*] as it con-  
tinues to be in all Writs for a Convocation to  
this very Day.

\* See Cl.  
10 E.3. m.  
16. dorf.

\* See Pryn.  
Parl. Wr.  
Vol. 1. p.  
39, 40.

This also deserves notice in many of them,  
that they went not out only at the same time  
with the Parliament Writs, but mention the  
holding of a Parliament in their Preambles as  
the Ground of their issuing; that so the Cler-  
gy, according to their Duty, might resort to  
it. Thus it was in the Writ of the 11 Ed. 3. \*  
just now mention'd. And so again in his 29th.  
year another Writ † runs, *Cum pro arduis &*  
*urgentibus Negotiis Nos & Statum Regni nostri An-*  
*glicani ac necessariam defensionem ejusdem Regni*  
*concernentibus ordinaverimus Parliamentum nostrum*  
*apud Westmonasterium tenere, &c. Quia expedit quod*  
*prædicta Negotia quæ Salvationem & Defensionem*  
*Regni nostri contingunt salubriter & efficaciter cum*  
*bona & maturâ deliberatione deducantur, Vobis*  
*mandamus rogantes, &c. to call the Clergy of*  
*Canterbury-Province to St. Paul's die Lunæ prox.*

\* Ps. 1. m.  
40. dorf.  
† Cl. m.  
8. dorf.

S

post

*post Festum S. Martini, ad tractand' & consulend' super præmissis una Vobiscum & aliis per Nos illuc mittendis, & ad consentiend' hiis quæ tunc, &c. T. R. apud Westm. 25. Sept.* The same Form recurs 31 E. 3. Cl. m. 21. dorf. and in divers other Instances. And when the Convocation-Writs did not mention a *Parliament* in Terms, yet the Matter and Tenor of them shew'd that they belong'd to one : for as long as the *Reasons of State* were continu'd in the *Parliament-Writs*, so long we find 'em inserted in those to the *Archbishops* for a *Convocation*; and after the *Particular Causes of Summons*, came to be omitted in the *Convocation-Writs*, and They, as well as Those for a *Parliament*, were reduc'd to a *Fix'd Form*, which return'd constantly, with little or no *Variation* (which

\* There are later Instances of *Parliament-Writs*, where the *Reasons of Summoning* are declar'd specially (as 7 H.4. Cl.dorf.m.29.) but they are rare ones.

happen'd, I think, about the middle of R. the 2d \*); yet even Then the *General Reasons* of convening them left in the *Writ*, and still a part of it, shew that they were

call'd not only for *Ecclesiastical*, but *Civil Affairs*, and such as concern'd the *Peace, Publick Good and Defence of the Kingdom*; in a word, to the very same *Intents and Purposes* for which the *Parliament* it self was assembled.

These *Writs* for a *full Convocation* grew now the *Common Form*, it being matter of *Ordinary Practice* to send them out concurrently with those for a *Parliament*, in *Edward the Third*, and *Richard the Second's* Reigns; and still the *Convocation* was (as in the preceding Instances) generally order'd to attend a few days sooner or later than the *Parliament* did, and



and not precisely on the Spot, where the Parliament open'd, but at some Church, or Chapter-house near it. And sometimes the Archbishop was left wholly at large as to both these Circumstances, the Place being mention'd with a *vel alibi prout melius expedire videritis*, and the Time no otherwise prefix'd than by the words, *cum omni celeritate accommoda*, or, *ad breviorē diem quam poteritis*, or such other Equivalent Expressions: which yet were so understood as to oblige the Archbishop to joyn the Assemblies of the Clergy both in Place and Time closely to those of the Laity. A yet Greater Liberty was indulg'd and taken in some of the succeeding Reigns; till in Henry the Eighth's time \*, things came about again into their Original Course; and the Old Method took place of opening the Convocation very near at the same time with the Parliament.

\* My Lord of Sarum (Vol. 1. Coll. of Rec. Num. 3.) Prints a Convocation-Writ

as the Pattern of all those which were issu'd out in his Reign; whereas the Forms were different. Before the Submission Aft the Writ was so worded as to leave the Archbishop at Liberty both as to Time and Place; but after, it was restrain'd often in both these respects; and more narrowly in the last, that it is now at present, running without the words *vel alibi*, as appears by the Writs for the Convocation 20. Jan. 1541. 30. Jan. 1544, 45. in the Register of Bonner, fol. 33. 65. This Omission hinder'd the Clergy from meeting in, nor from adjourning to, any other place than that mention'd in the Writ: and therefore when the Convocation of the 13 Nov. 1554. adjourn'd to Henry the Seventh's Chappel, I find this Note thus enured by their Registrar, *Memorandum quodd in Brevis Regio precise convocatur Clerus in Ecclesiam D. Pauli, & non alibi*, quamvis hic prorogatur ad Ecclesiam Westminst.

Upon the whole therefore it is manifest, that the King's Writ for a Convocation, when it went out with that for the Parliament was originally only a Second Summons of the same

Persons that were call'd by the *Præmunientes*, and to the same Ends and Intents for which they were call'd by it; that it was employ'd at these times only to secure an Obedience to the *Præmunitory Clause*, and to leave the Clergy (thus doubly Summon'd both by the Provincial and Bishops Writ) without Excuse, if they did not attend the Parliament: That it was made use of afterwards (when it took in Abbats and Priors) to bring those Regulars to it by the Assistance of the Archbishop, who declin'd appearing there upon an Immediate Summons from the King, as holding nothing of him by Barony; and to render, by this means, the Parliamentary Assemblies of the Clergy so much in proportion fuller, as the Number of the Abbats and Priors decreas'd, who were us'd to be Summon'd, and to sit with the Laity: That this little Diversity between the Persons Summon'd by the Provincial and Bishops Writ ceas'd at length upon the Dissolution of Monasteries; the Old Usage then returning of addressing both the Writs precisely to the same Persons, and ever since continuing: That the Letter-writer therefore is utterly mistaken when he pretends that the Writ for a Convocation (tho' it went out constantly with every New Parliament, yet) *has no Relation to it* \*, because, forsooth, it does not now mention it expressly (tho' at first, for many years after it was practis'd, it did): and that Dr. Wake is yet further from Truth, when, in his Fantastick way of Speech, he tells us, that the Convocation call'd by the Provincial Writ *is consisted of another sort of Persons* † than the Parliamentary Assemblies Summon'd by the *Præmunientes* were; since it is certain,

\* P. 29.

† P. (184.)

certain, that Both those Assemblies were originally *consisted* of the very same Persons, and were really but one Assembly of Men, meeting under a Double Capacity ; and as certain also that they have been again thus *consisted*, for the last one hundred and sixty years. I am really at a Loss to determine, which of the Two is more absurdly false, the Doctrine he here lays down, or his manner of expressing it.

That Air of Assurance which Dr. *Wake* takes up every where on this Article would be very Amazing to a Man that did not consider, how Doubts dwell usually in knowing Breasts, and that those who have the least skill in things are most apt to be Positive. "It is as plain" (says he) as any thing can well be, That "the Convocation of the Clergy consider'd" "as call'd by the Parliamentary Writs, and" "sitting by vertue of them ; and the Convocation consider'd as Summon'd by the Convocation-Writ, and the Order of the Archbishop consequent thereupon, are, in their" *Nature and Constitution* two different Assemblies ; and which, by no means, ought to "be confounded together \*." *By no means* indeed, if Dr. *Wake's* Cause must right or wrong be upheld : for the confounding these two Assemblies, and making them but one, confounds all his Little Aims and Reasonings. However, I have shewn, that they must necessarily be, and have always been thus *confounded together*, when ever the *Præmunientes*, and a Royal Writ for the Convocation went out joyntly ; and it will puzzle Dr. *Wake*, I believe, out of his Plentiful store of Useless Collections to furnish

\* P. 226.

us with a single Proof to the contrary, where the Convocation-Clergy call'd by the Archbishop at the King's Writ, and those Summon'd by the *Præmunientes*, have met, sat, and acted in the same Province distinctly; all which they must have done, to be, what he tells us they were, *two different Assemblies*. Nothing but a continu'd Series of such Instances as these, carry'd through the several Reigns in which this Double Summons was practis'd can justify Dr. Wake's Notion; and therefore I am very sure, it can never be justify'd: for They that are vers'd in these things know, that when these two Summons issu'd concurrently from the King, the Clergy call'd up by the *Præmunientes* form'd no distinct Assembly, but after making their Returns to it, sat and acted *Provincially*; and this, as I have often times said, was reputed, and accepted as a *Parliamentary Attendance*. At these Times therefore the Convocation of the Clergy *præmonish'd* by the Bishops Writ, had, as Dr. Wake says rightly, *no Existence*, i.e. *no separate Existence* from the Convocation of the two Provinces; but was involv'd in it, and represented by it, and acted through it. 'Tis true, Two sort of Writs going out to call the Clergy in Time of Parliament, there is room for a Nice Head to distinguish (as Dr. Wake does) between the *Nature* and *Constitution* of that Assembly which relates to the One, and the *Nature* and *Constitution* of that Assembly which relates to the Other. But these two Assemblies being in fact but one Assembly, it does us no Harm, as to the Argument we are upon, to consider that One Assembly under as many different Views and Respects as Dr. Wake pleases.

ses. So he will allow it to have but *One Existence* (to keep to his Phrase) we will not dispute its having *Two Essences*; that is, its convening under two different *Formalities*: for Metaphysical Speculations ought to make no Quarrels among Friends.

## CHAP. VI.

I Have in the Preceding Chapter examin'd carefully into the Rise, Nature, and Force of the *Præmunientes*, and of the *Convocation-Writ* that goes out with it; and have fully consider'd whatever may be objected from either of these against the Clergy's right of Meeting and Sitting in Convocation together with every New Parliament: more fully indeed than the Objection it self deserves, had I intended barely to pull down what was advanc'd on the other side, without giving some further Light into this Intricate, and as yet untrodden Subject. For the Objection it self might in Two Words have been dispatched by saying, That the Clergy have certainly a *Right of Meeting and Sitting in Convocation thus often, because thus often they have for some hundred years met and sat*: And this is a plain short Answer, which is capable of no Evasion. Dr. Wake however has made some small Effort towards Eluding it; and what he offers to this purpose shall in the next place be consider'd.

We find him (Pp. 106, 107, 140, 141, &c.) thus distinguishing: That the Clergy have no Right to *Meet*, and *Sit*, but only to be *Summon'd* as often as a Parliament: That having

indeed for *some hundreds of years* been Summon'd always with the Parliament, *it may be question'd*

\* P. 129. \* *whether they have not* (he means, *it is not to be question'd but that they have*) now a Right to such a concurrent Summons; but it is certain they *have a Right to nothing besides; and it were no Great Matter whether They had a Right to that or*

† P. 107. *no* †. This is Dr. Wake's New Scheme for laying aside the Clergy's *Parliamentary Meetings* first, and their *Parliamentary Summons* afterwards. A very Honest Design, if it could be effected! and very fit to be first recommended to the world by the Pen of a Clergy-man! God be thanked his Abilities are not Equal to his Goodwill in the Case, nor the Colours by him put upon this matter such, as will ever tempt a wise Ministry to execute what he has Projected! In answer to this New Distinction, I desire to be satisfy'd, why, if Custom gives the Convocation a Right to be *Summon'd* as often as the Parliament meets and sits, it does not give 'em a Right to *Meet* and *Sit* too; since it is certain that they have the very same *Custom* to plead for the One, as for the Other. Time out of mind the *Custom* has been, that whenever the Parliament has met, the Convocation (should not only be *Summon'd*, but) meet too; and accordingly for some Ages now it has met with it, and been open'd in Form by the Archbishop, or in the Vacancy of his See, by some Bishop Commission'd from the Dean and Chapter of *Canterbury*; Divine Service has been said, a Sermon preach'd, and a Prolocutor chosen. There are Instances indeed when they have gone no further than this, and done no other Business; but it was when they had no other Busi-

Business to do : for they were always put into a Posture of doing it, and into a Capacity of making such Motions and Requests as they should judge proper for the Good of the Church, or the Redress of Grievances. Till late years, it was *never* known, that Convocations should *meet* purely in order to be *adjourn'd* ; that the Members of the Lower house should attend only to be told when they should attend next ; without being allow'd to offer their Advices, or Complaints, or even to put themselves into a Condition of offering them. This Custom, we know is but nine years old, whereas the contrary Custom is as old as these Assemblies themselves are : and if *Custom* be the *Law of Convocations* (as Dr. Wake allows \* p. 298. it to be) he will be pleas'd to tell us, how this 107. Establish'd Custom can be broke in upon, and set aside, without a Breach of the Law ; and whether the Clergy's not being suffer'd to meet and form themselves into a Body, according to the Intent of their Summons be not (upon Dr. Wake's Principles) as plain a Violation of their Rights, as it would be, not to Summon them. Queen Elizabeth, one would think, was under these Apprehensions ; for she suffer'd a Popish Convocation to sit and act together with her first Parliament, at a Time when she was taking all manner of Legal Steps and Means to expel Popery, and to introduce the Reformation : which she would never, I presume, have done, had she thought her Power extended so far over the Convocation as to adjourn them before a Prolocutor was chosen \*. And if she did not

\* There was indeed a Singularity pass'd at the Entrance of this Convocation, which I remember no Instance



stance of in any other : It was open'd without any Sermon. The reason of which is thus given in the Acts, Sess. 2. Episcopus London Commissarius ——— evocatâ Domo Inferiori exposuit eis Causam Convocationis, & quod non futura sit concio pro more quia Sedes Episcopalis destituta existit, & quia Consiliarii Regis [it should be Reginæ] in mandatis dederunt, ne Conciones in Eâdem Ecclesiâ fierent, donec de Beneplacito Reginæ constaret. *The first of these Reasons is no reason, but the last is sufficient, according to the Doctrine of those Times ; when our Princes in Vertue of their Supremacy, were thought to have a Power of silencing any, or even all the Pulpits of England at once ; which both King Edward and Queen Mary are said to have practis'd. But that Doctrine being now out of Doors, the Practise founded upon it can be no Warrantable Precedent for our Times. Even the Acts themselves that give us an account of this Omission, affirm the Custom, and say the Sermon was a thing de more.*

think she had such a Power, it would make one apt to believe that she had it not : for, whatever else has been said of her, I never heard it laid to her Charge, that she was ignorant of the Extent of her Prerogative, or us'd it too tenderly.

'Tis true, my Lord of Sarum informs us, that *lest the Clergy might set out Orders in Opposition to what the Queen was about to do, she sent and requir'd them under the Pains of a Præmunire to make no Canons* \*. His Lordship gives us no Authority for this Particular, and I must beg leave therefore to suspect the Exactness of it ; because the Submission-Act, and that which confirm'd it, were repeal'd in Queen Mary's time, and as yet unreviv'd : and the Queen could have no Pretence from any other Acts than these to threaten them with a *Præmunire*, if they proceeded to make Canons. However allowing this account of the Queen's Message to be just, we may observe, that tho' she prohibited 'em to make Canons, yet she did not forbid them to Sit and Act in Inferior Instances, because she thought it their Privilege so to do ; and accordingly

† Vol. 2.  
p. 37.

cordingly this very Convocation did business, drawing up their Judgment upon five Important Points in five Articles, by way of *Protest*, to be deliver'd (not to the Queen, as his Lordship thinks \*) but to the Keeper of the Great Seal, and to the Lords of Parliament: And this they did, *for the Disburthening of their Consciences* †, as the Acts speak; and were allow'd to do it without Check or Disturbance. And if the Priviledges of a Popish Convocation were thus tenderly preserv'd to them by a Queen averse to their Principles, we may be sure that the Protestant Clergy afterwards had not less Liberty, or Worse Usage; but were allow'd freely to sit and declare their Grievances, as often as they were understood earnestly to desire it in the Succeeding Reigns: there being no Instance of such a Liberty deny'd by any of our Princes to any of their Synods, when the Prince and the Synod were of the same Judgment in Religion. I have shewn that it has been granted even when they differ'd in Principles, let Dr. Wake prove to us, that ever it was with-held when they agreed; and he will somewhat lessen the Opinion the Clergy have of the Hardship they at present lye under.

If *Custom* therefore creates a *Right*, we are sure that the Clergy have a Right to somewhat more than a Bare *Summons*; they have a Right actually to assemble, to be form'd into a Body, and to fill the Chair of the Lower House; and if they have any Petitions or Motions to make in Church-matters, they have a right to sit so long as till they have made them; for thus they have been always *accustom'd* to do; and when

\* Ibid.

† *Ad exonerationem conscientiarum suarum.*

when they were adjourn'd without it, it was upon a Presumption, that they had nothing of this kind to offer, and were themselves consenting to such Adjournments.

Dr. Wake himself is forc'd in good measure to agree to this, for he owns, that *whilst the Clergy were wont to assess themselves, and their sitting upon this account was necessary for the support of the Government; they were not only Summon'd to meet, but were wont actually to assemble; and sit so long as it was requisite for them to do for this purpose* \*. Now 'tis not forty years ago since the Clergy were in the undisputed Possession of this Priviledge of Assessing themselves; and till That time therefore, even by Dr. Wake's Confession, they had Custom, and consequently Right of their side, even for Assembling, and Sitting, as well as being Summon'd. And the Late Discontinuance of this Custom cannot yet have infring'd that Right, as being not yet Immemorial. There is no Custom therefore for the Methods lately taken; and it is the Clergy's great desire that there never may be any: and for that reason among others it is that a Convocation is so earnestly call'd for, to prevent this Pretence of Dr. Wake's from growing up into an Argument; for tho' it have now no manner of strength in it, yet twenty or thirty years hence perhaps it may.

But tho' Dr. Wake is out, as to the Clergy's having no Right, because no Custom to sit; yet at least he can prove, he thinks, that 'tis very fit and reasonable they should have none, upon Two Accounts: the One, drawn from the True End and Design of calling the Clergy to Parliament; the Other, from the Alteration that has hapned

\* P. 141,  
249.

happened in the Original Constitution of these Meetings. As to the First of these, he tells us, that the True End and Design of the Clergy's Assembling with the Parliament was to raise Money; and that End therefore now ceasing, since they have left off to assess themselves, the Right grounded upon it ought to cease too \*. As to the Second, That the Convocation, when it us'd to sit at the same Time with the Parliament, was a Member of Parliament; but not being so now, there is no reason why it should sit with it †.

\* All the use that was generally made of them was to concur with the other E-

states in granting Money to the King, which having done, they were commonly dismissed without entering on any other Business. Pp. 106, 107.

However the King usually added a Conciliary Summons to his Parliamentary Writ—yet still the Design was in Both the same that they might thereby more effectually confirm what had in Parliament been granted to the King, &c. Ibid.

The Main Design our Princes seem to have had in assembling these Convocations either at the same time they did their Parliament, or not long after, was to get Money from them. P. 227.

This was the Great Use the King was wont to make of our Convocations, and from whence it came to be the Custom to Summon them for the most part as often as the Parliament met. P. 229.

For the most part what was done by the Convocation when they met, was only to confirm or make an order for Money. P. 228.

For the most part the Great End our Kings had in Summoning them was to get Money from them. P. 245.

As long as the Clergy in Convocation have continu'd to assist the Government by granting Subsidies, it has been allow'd to sit as often as it was necessary to that purpose, tho' it has seldom done any thing besides. P. 250.

† Pp. 105, 106, 107.

The first of these is so False and Scandalous a Reflection upon our Princes, and those Meetings, and upon the Constitution it self, that I wonder how it could drop from the Pen of an English Divine, that had any Regard left for his Church, or his Country; and how even This  
Writer,

Writer, as meanly as he may think of Synods, and their Powers, could yet prevail with himself to say it. He says it, not once or twice only, but often, and with the utmost Assurance; of Convocations call'd out of Parliament time, as well as of those which met in it; and seems to be afraid only, lest this Decent Maxim should escape the Reader's Eye; and has therefore taken care to instill it so often, and on so different Occasions, that one cannot read long in his Book without meeting it. Let us see, how he attempts the Proof of it.

Why, he tells us, that in the accounts of our Elder Synods, little more is said to have been done by them, than that they gave the King such and such Supplies; and *tho' they met often in former times, yet as for Ecclesiastical Business, for ought he can find, they did as little with their often meeting then, as they do with their seldom meeting now* \*. But first, allowing all this to be true, does it follow from hence that the End of the Convocations sitting was to give Money? might not frequent Opportunities be taken of pressing the Clergy to Grants, and yet That not be the End of their Meeting? Money has been as frequently given by Parliaments as by Convocations, and has been as much the Design of calling them; so that once upon a Time †, when the King inserted a Clause in the Commons Writs to assure them,

† Cl. Rot.  
21 E.3. ps.  
2. m. 9.  
dors. —  
Et scire

Vos volumus quod dictum Parlamentum non ad Auxilia seu Tallagia à Populo dicti regni nostri petenda, vel ad alia Onera eidem Populo imponenda, set duntaxat pro Justitiis ipsi Populo nostro super Dampnis & Gravaminibus sibi illatis faciendâ — *See Prym. Parliam. Writ. Vol. I. p. 53.*

that

that That Parliament was not call'd in order to a Supply, it is taken notice of by our Antiquaries as a Wonder : Nevertheless the *Reason* and *End* of those State-meetings is not, I suppose, to be fetch'd purely from Money, but *Redress* of *Grievances*, according to the honest Doctrine of the *Mirror* \*. Further, had

the accounts we have left of Convocations mention'd little more than the Supplies they gave, yet it might have become Dr. *Wake* to suspect that those accounts were De-

fective, and that much besides might have been done, tho' little else was recorded. The Proportion that the Clergy bore in the Taxes, being a matter in which the State, as well as the Church was nearly concern'd, might be set down in our Annals with a more than Ordinary Care ; on the Crown-side it might be taken notice of, that the King for the future might be sure of *as much* ; on the Clergy's side, that they might be sure of giving *no more* : Both might think it prudent to arm themselves with Precedents for a Demand, or a Denyal, as the Case might happen ; and for this reason, among others, the Article of *Subsidies* might have been suppos'd to make so considerable a Figure in the Story of those Synods, had Dr. *Wake* been inclin'd in the least to embrace any accounts that were for the Honour or Interest of his Order. But after all, the very Bottom he goes upon is false ; an injurious, and groundless Misrepresentation : For that the Clergy, when met, had a great deal of other Business to do, besides Raising Money, appears from

\* Pur Oyer & Terminer les playntes de tort de le Roy, de la Roigne, & de leur Enfans, & de eux specialment, de queux Torts lun ne poet aver autrement common droit. *Cap. 1.*

Numerous

Numerous and Undeniable Testimonies. And if Dr. Wake cannot find 'em, as he says, 'tis because he has not look'd where they ought to be found, or at least not with that care he ought to do, in order to find them. Had he look'd into *Spelman* or *Lynwood*, methinks, he might have found, that they made Provincial *Canons* and *Constitutions* all along for the good Government of the Church; and by means of 'em repress'd now and then an Aspiring Clergyman, that was making a False Court by betraying the Interests of his Body, and endeavouring to build his Fortune upon the Ruin of their Liberties. Had he lookt into our *Historians*, as nicely as he would be thought to have done, particularly into *Harpsfeld*, and *Antiquitates Britannicæ*, he would have found, that they were taken up often in Foreign, and more often in Domestick Affairs of the utmost Importance; in Deputing some of their Members to General Councils \*, and preparing their Instructions; in restoring Peace to the Church, when it was broken by the clashing of Popes with Councils †, or by the Contentions of Rival Popes about the Lawfulness of their Titles ‡; in resisting Papal Encroachments and Provisions ∴, in exercising their Jurisdiction, in Reforming Abuses among themselves, or Petitioning for the Redress of them above; that they open'd their Mouths to their Superiors, as well as their Purfes; and gave Dutiful Advice sometimes that was as serviceable and welcome to a Good Prince as their Money. But above all, had he look'd into the few Old Acts and Journals of Convocation sav'd out of the General Wreck, and yet

\* Harpsf.

p. 610,

611.

† Ant. Br.

p. 227:

‡ Harpsf.

p. 608.

∴ Harpsf.

p. 618,

654.



yet remainining, he would have found, that the *Articuli Reformandi*, or *Gravamina Cleri* were put up almost at every Session, that Subsidies were seldom given without them, and that they were suggested often, when no Subsidies were given; the Clergy in those Days being allow'd sometimes to approach their Prince Empty-handed, and to beg of him what was their Due without paying for the Liberty of doing it. Reforming Grievances was so much the End of the Clergy's Conciliary Meetings, that the Archbishop mention'd it oftentimes in

his very Provincial Mandate \*; the Bishops being there directed to consult with the Clergy of their several Dioceses, about the particular Grievances they lay under, in order to their being laid before the Assembly. And the Lower Clerks have now and then observ'd these Directions of their Metropolitan so well as to complain

to him of the *Inabilities*, or *Exactions* of those who had *Jurisdiction* under Him, or under any of the other Bishops †. As they were always sure of his Good Offices, so sometimes it has so hapned that He himself has stood in need of theirs; and accordingly the Subject of their Debates has been how to screen an Archbishop from the Displeasure of his Prince ||. Sometimes they have consulted of measures for the Advancement of *Learning*, and Encouragement of *Universities* .:., and have come to re-

ad reparationem splendorum Universitat. Oxon. & Cant. ac Graduatorum in eadem proficientium promotionem—Ann 1417. Registr. *Bub-*  
with Ep. B. & W. (S) solutions

\* In one of Archbishop Me-  
pham's Anno 1328. there is  
this Clause, Proviso quod sin-  
guli Episcopi antequam Dio-  
ceses suas versus dictum Con-  
cilium egressi fuerint, cum suo  
Clero deliberent & inquirant  
sagaciter de Gravaminibus &  
Defectibus dicti Concilii su-  
dio reformandis—and to the  
same purpose another of Strat-  
ford's Dated 10. Kalend. Aug.  
1341. These were for Provincial  
Councils, strictly so call'd.

† Duck.  
Vit. Chich-  
leii, ad  
Ann. 1421,  
1432.  
|| Heylin's  
Hist. of  
Presbyt.  
p. 250.

∴ Concilium Pro-  
vinciale

\* *Spelm.*  
*Conc. Vol.*  
 2. p. 677.  
*Ant. Brit.*  
 p. 214.

† *Acta MSS. Synodi tentæ,*  
*An. 1555—ad Jan. 7. 1555, 56.*  
 || *Febr. 24. 1541, 42. Episcopi*  
*consultarunt de Publicis Dissol-*  
*utis Comædiis corrigendis—*  
*Act. MSS.*

\* *Constitutio facta—in Con-*  
*vocatione—1430. pro abolitio*  
*Ponderis vocati Le Auncell*  
*Weight. Spelm. Vol. 2. p. 687.*

† *Nicholson, Hist. Lib. p. 196.*

|| *In voce*  
*Finis.*

\* *See ano-*  
*ther p. 31.*  
*of these*  
*Papers.*

solutions very much to the Honour and Advantage of those Famous Bodies \*; and have by that means made way for them, when under a Cloud, to the Favour and Bounty of Others. At some times the Regulation and

Improvement of Grammar-Schools †; at Others, the Looseness and Disorders of the Stage || have been the Subject of their Debates: and it has been known, when even Matters of Common Justice

and Traffick have felt the Influence of their Resolves, and the Kingdom been generally benefitted by the Spiritual Censures they have denounc'd on the Use of False Weights and Measures \*.

A Late Writer † has found out yet another Employment for the Clergy in Convocation, to pass the *Finales Concordiæ*, or *Lewies of Fines*, as we now call them;

and this upon no less an Authority than Sir Henry Spelman's; who says ||, it seems, that such Matters were transacted sometimes *coram Episcopo, & in Synodali Conventu*: and so they might be, without however being ratify'd by a Convocation properly so call'd: for the words of Sir Henry refer to those Mixt Assemblies, where the Clergy and Laity sat together. Would Mr. Archdeacon afford us an Instance of a *Fine* thus pass'd in a Pure Ecclesiastical Meeting, after the two Jurisdictions were compleatly separated, it would be a very Curious Particular, worth acquainting the World with. But this is not the Only Instance \* he

has

has given of his knowing no other sense of the word *Synodus*, but that of a *Church-Assembly*.

Many other ways the Clergy assembled in Synod had of employing themselves to the Advantage of the Church and the Commonwealth; too many to be Enumerated, and too well understood to be insisted on: if Dr. *Wake* knows nothing of these things, he is to be pitied for his Ignorance; if he does, and yet dissembles his knowledg of them, he is to be detested for a much worse Quality. But can this Gentleman be in Earnest when he says, that the Convocation had little else at any time to do but to give Money? does not He himself own in several places \*, that the King frequently sent his *Prohibitions* thither, commanding em not to enter or proceed upon Business that he did not approve of? This implies, I think, that they were often otherwise employ'd than in Money-matters: for Dr. *Wake*, I believe, will not pretend that it was Usual with our Princes to prohibit the Clergy from giving them Money. Nay, he tells us further out of *Coke*, that the King did often appoint Commissioners by Writ to sit with the Clergy in Convocation, and to have Consensus of such things as they meant to establish, that nothing might be done in prejudice of their Authority †. And if so, he could not but see, that they were us'd to do some other Business beside Taxing themselves; for here again I humbly conceive, that neither were these Commissioners sent to restrain the Clergy's Liberality. To convince the Reader yet further, that the Clergy, when met, had other things beside Taxes to consider of, I shall direct him to those very Instances brought by Dr. *Wake* to shew they had not:

\* Pp. 286,  
287, 236,  
237.

† P. [III.]

I shall examin All his Proofs of this kind drawn from the Practice of *Modern Synods*, and by Them shall leave the Reader to judge how fairly he has dealt with the *Antient* ones.

\* P. 142.

“ That I may not be thought (says he \*) to  
“ speak at all *Adventures*, I will offer an In-  
“ stance or two of it. The Convocation that  
“ met the first of King *James* the First, was by  
“ Prorogation continu’d from time to time for  
“ seven years together. Yet except it were in  
“ his first year, we do not hear of any great  
“ Business that was done by them more than  
“ that of granting Subsidies. But I am well  
satisfy’d that he speaks at all adventures from this  
very Instance. For \* Fuller seems to say, that the

\* Book X.  
p. 28.

Acts of this Convocation were lost even in his  
time ; and if so, Dr. Wake must needs be a  
Bold Adventurer, to pretend to say what was,  
or was not done in it. Besides, had he spo-  
ken out, and told us plainly, what that Busi-  
ness was they did in their first year, it would  
have given us some account why they might  
possibly have layn still a good while after-  
wards. For that Business was no less than the  
settling the whole Discipline of the Church in  
a Body of an hundred and forty one Canons  
then drawn up, which was one of the Greatest  
Works that ever any *English* Convocation had  
before them : and having finish’d it therefore,  
it would have been no wonder, if they had  
discontinu’d their Debates for some time with-  
out entring on any thing that was Material. If  
they had no Business to do, we cannot expect  
that they should have made Business on pur-  
pose to do it. But after all it so happens that we

can certainly prove this Convocation to have

lat

fat and done Business, and that of a very Important Nature : for in 1606 Bishop Overall's Convocation-Book pass'd it ; a Work, considerable in it self ; but made yet more considerable by the Event that attended the Publication of it. And throughout all the rest of the Time, that they were Employ'd, or at least sitting, and in a Readiness to do Business, as it should happen, appears from the Bishop of St. David's Speech in 1604, about the Use of

the Cross \*, ( which shews that matter was then re-debated ) ; from the strict Attendance paid by the Members of the Lower House ( Three of which were Excommunicated by Archbishop Bancroft in 1605, on the account of their Absence, and absolv'd from that Sentence the year afterwards † ) ; from the Messages sent by King James at several times to them ( with Two of

\* There is mention of this Speech in the Preface to Pool's Sermon about Spiritual Worship. He speaks of it as made in 1604 ; tho' otherwise I should have plac'd it at the Time when the Canons were passing. The Speech is self, and some Account of it is among the Manuscripts Bodl. Bibl. n. 8069, From which Paper we might certainly learn when it was spoken, but I have not consulted it.

† See Registr. Bancroft. fol. 138, 139:

which relating to the Articles of 1562, and Cathedral Service, Dr. W. himself has kindly furnish'd us || ) ; and from the Applications made by the Clergy to the King ; One Instance of which [ their Petition against Prohibitions \* ] I have already given the Reader. So that no Instance could be more unfortunately pitch'd upon by Dr. Wake than this : Let us see whether he is more lucky in that which follows.

His next Words are, " In King Charles the First's time there were but Few Parliaments, and therefore we are not to look for Convocations in that †. In the first sixteen

|| P. 110.

\* Append. Numb. VI.

† P. 142.

years of King *Charles* the First there were five New Parliaments chosen, and as many Convocations; and every One of those Convocations met, and sat, and we know who were the Prolocutors in each of them. The first of these five \* was hindred from doing much Business by the Plague which then reign'd; and the Last, by a *Select Committee* for Alterations, which sat in the *Jerusalem-Chamber* of the Deanery of *Westminster*, and was set on foot to supplant the Use of Synods. And yet even in these

\* Anno  
1625. See  
Fuller. C.  
H. Book.  
XI. p. 108.

† Some Instances of this kind  
Fuller takes notice of. Ibid. &  
p. 172.

|| In the Convocation of 1628:  
Pryn says, that Dr. Jackson  
was accus'd of Arminianism,  
Append. to Anti-Arminianism.

Two, Motions were made †, and Debates held, tho' no Synodical Conclusions were form'd; and in all the Five || at least so much Business was done, as made their Title good to do more, if they thought fit: for I must here and every where put this Gentleman in mind, that there is a great deal of Business for Convocations to do, besides framing Constitutions, However even That Business it self was done in One of these Assemblies, the Convocation of 1640; where also their Jurisdiction was exercis'd in a very Notable Instance, the Suspension of the Bishop of *Gloucester* \*. Dr. Wake takes no notice of these things, but slips quietly over this Reign to the next. —

\* See Hey-  
lin. Cypri-  
an. Angl.

“ In which, he says, upon King *Charles* the  
“ Second's Return, the Famous Convocation  
“ of 1660 met, to remedy those Disorders  
“ which the Civil Wars had occasion'd. In  
“ order whereunto it was necessary for them  
“ at first to settle the Affairs of the Church:  
“ but that being done, they were by the  
“ King's

“ King’s Writ Prorogu’d Eighteen times successively ; and it does not appear by the “ Journal of it, which I have seen, that any “ thing *Material* was done in it afterwards. He has seen a Journal, it seems, where there are no *Memorandums* of any thing done ; and from that Empty Journal One would think that he had learnt all his skill in the Business of Convocations. But had not something else been as Empty as that Journal, he would sure have foreborn giving this as an Instance how Convocations have been employ’d, *whilst* they were us’d to assess themselves (which is his profess’d Design in producing it \*), when all these Eighteen Prorogations were *after* they began to be Tax’d by Parliament ; and all of them were with the Good will and Consent of the Clergy, who by the Favour of their Prince, and the Assistance of the Parliament, had in the first year of their Sitting done so much, that little or no Church-work might remain upon their Hands for several succeeding years. And yet in All those years they were not Idle for want of an *Opportunity* of being otherwise ; for they observ’d their Forms all along, met with every Parliament, and said their Prayers together, and when their Prolocutor dy’d, chose a new one ; as even that Journal the Doctor perus’d, as Empty as it was, would have taught him ; if I guess right at the Quiver from whence this Blunt and Harmless Arrow was drawn. Now the observing these *Forms*, whatever Apprehensions Dr. *Wake* may have of it, yet several of his Brethren of the Clergy think to be very *Material* ; as being a step to that which is confessedly so, and pre-

\* See Pag.  
141.



serving the Body in their Legal Capacity of Acting, as there shall be Occasion. Particularly that part of the Solemnity, the Opening of the Assembly with Prayers and a *Sermon*, as it is a matter of great *Decency*, so is it of some *Use* also ; the uttering of these Discourses from the Pulpit having been generally the Province of the Lower Clergy, who took the liberty at such times to lay the State of the Church before the Fathers and Governours of it very nakedly and plainly, and freely to expostulate with them about any Neglects or Mismanagements, they might observe to prevail. I shall give the Reader a few Instances of the Freedom practis'd on that occasion, which may satisfy him that it had its Uses in some special Junctures ; and may be as serviceable again, when the same Corruptions shall have got into the Church ; as it is possible that they sometime or other may, tho' at present we are never so free from them.

The Passages of this kind I shall take notice of, are in Pieces not easie to be met with ; and should therefore my Transcripts from thence be somewhat large, I hope they will not be thought tedious ; the Christian Courage, Integrity, and Zeal that animates these Awakening Discourses will be my Apology for producing so much of them, and for doing it here in the Body of the Book, without referring the Reader for a sight of them to an Article in the *Appendix*.

Oratio habita a D. Joanne Colet Decano S.  
Pauli ad Clerum, in Convocatione, Anno  
M. D. XI.

Pag. 1. Accessi hodie, Patres, admonendi vestri gratiâ, ut de reformatione Ecclesiæ, in illo vestro Concilio toto animo cogitetis.

5. In ipsis Dignitatibus qui sunt, plerique eorum incedunt vultu adeo erecto, & oculis tam sublimibus ut non in humili Præfulatu Christi, sed in alto dominatu mundi positi esse videantur, non agnoscen-tes, nec animadvertentes, quidnam magister humili-tatis Christus dixerit discipulis suis, quos vocavit ad Præfulatum; Principes Gentium, &c. vos au-tem non sic. Quibus verbis docet plane Magisterium in Ecclesiâ nihil aliud esse quàm Ministerium, & Pri-matum in Ecclesiastico homine nihil esse aliud quam humilem Servitutem.

7. Ob Avaritia! ex te onerosæ Visitationes Epis-coporum, ex te Corruptiones Curiarum, & inventiones istæ quotidie novæ quibus miser populus devora-tur. Ob Avaritia mater omnis iniquitatis! à te procacitas, & petulantia Officialium, ex te in Or-dinariis illud ardens studium amplificandæ suæ Jurisdictionis, ex te in Ordinariis ista insana & ra-biosa contentio de Insinuatione Testamentorum, ex te Intempestivæ Sequestrationes, ex te ista superstitiosa observatio Legum earum quæ Lucrosæ sunt, post-habitis iis quæ ad Emendationem Morum spe-ctant.

8. Faciem Ecclesiæ maculat assidua Occupatio Secularis, in qua se implicant multi Sacerdotes & Episcopi, Servi magis Hominis quam Dei — nihil audent nec facere, nec dicere, nisi ea quæ noverint suis

*suis Principibus grata & placentia: hinc Ignorantia & Cæcitas, quando obcæcati tenebris hujus seculi nihil vident nisi terrena.*

\* The  
Text.

12. *Quare vos, Patres, vos, Sacerdotes, vos, omnes Clerici expergiscimini aliquando ex isto vestro somno in hoc mundo Lethargico, & evigilantes tandem audite Paulum Clamantem vobis, Nolite conformari huic seculo, sed reformamini in novitate sensûs vestri\*. Hæc autem Reformatio & Restauratio Ecclesiastici Statûs oportet incipiat à Vobis Patribus nostris, & sic deinceps in nos Sacerdotes vestros derivetur. Ad Vos spectamus tanquam ad Signa directionis nostræ, in vobis & in vitâ vestrâ cupimus legere, tanquam in vivis libris, quoniam pacto ipsi vivamus: Quare si volueritis videre Festucas nostras, prius tollite Trabes de oculis vestris.*

13. *Nullum est erratum cui Patres optima remedia non providerunt. Non est opus ergo ut novæ Leges & Constitutiones condantur, sed ut serventur conditæ. Quare in vestrâ illâ Congregatione recitentur leges quæ sunt editæ: imprimis recitentur leges quæ admonent vos Patres ne manus vestras citò alicui imponatis.—Recitentur leges quæ jubent ut Beneficia Ecclesiastica dignis conferantur. Recitentur Leges quæ militant contra Simoniacam Labem.*

16. *Ante omnia verò recitentur Leges quæ pertinent & spectant ad Vos reverendos Patres & dominos Episcopos; Leges de justâ & Canonica Electione Vestrâ in capitulis Ecclesiarum cum invocatione divini spiritûs: nam præterea quod hoc non sit his diebus, & quia sæpe eliguntur Prælati magis favoribus hominum quam Dei gratiâ, idcirco habemus certè nonnunquam Episcopos parum Spirituales, homines magis Mundanos quam Cælestes, sapientes magis spiritum hujus Mundi quam spiritum Christi.*

17. Recitentur Leges de residentiâ Episcoporum in diœcesibus suis—Renoventur postremò istæ Leges & Constitutiones patrum de celebratione conciliorum, quæ jubent ut Provincialia Concilia frequentius pro reformatione Ecclesiæ celebrentur: nam nunquam accidit Ecclesiæ Christi res magis detrimentosa quam omissio Conciliorum, tum Generalium, tum Provincialium.

18. Quâ quidem in re vos potissimum debita reverentiâ, Patres, appello; nam ista legum Executio à vobis incipiat oportet—Vos autem si servaveritis leges, sique ad normam & regulam Canonum vitam vestram imprimis reformaveritis, tunc dabitis nobis lumen in quo quid nobis faciendum sit videamus, lumen videlicet optimi exempli vestri; nosque videntes Patres nostros servare leges, libenter Patriſſabimus.

21. Considerate miseram Ecclesiæ formam & Statum, & in ejus reformatione totis animis incumbite; Nolite, Patres, nolite sinere istum vestrum tam celebrem Convantum abire in vanum; nolite pati istam vestram congregationem elabi in nihilum: congregamini quidem sæpe, sed (ut vestrâ pace quod verum est dicam) quis adhuc fructus præsertim Ecclesiæ ex istiusmodi conventibus est consecutus? ite modo in Spiritu, quem invocastis, ut ejus auxilio adjuti in isto vestro Concilio possitis ea excogitare, statuere, decernere, quæ sint Ecclesiæ utilia, quæ vobis laudi, quæ Deo honori.

Oratio ad Pontifices *Londini* in Æde Paulinâ An.Dom.1553.17. Id. Apr. per Nic. Grimoaldum. Impressum 1583. *Londini*.

7. Nescio quo fato fieri dicam, Patres præclarissimi, etiam vobis præsidentibus, qui eruditionis gloriâ floretis, in quâvis Diocesi plures ut inveniantur Legum Sacrarum expertes Sacrifici quam intelligentes. Num vos etiamdum, Præsules, ad hunc honestissimum ordinem atque pulcherrimum, illiberale & imperitum genus hominum aggregatis? —

8. Vestrarum hoc partium est, Pontifices, fovendo gnaros, repudiando rudes, efficere ut vel vulgus hominum intelligat, quid sit bonis artibus excoli.

10. Cogitate Vos esse eos unde sibi & Populus, & Reges, & Cives omnes consilium de maximis gravissimisque rebus expectant: loquendum est liberè, & admonendum; debere Reges erudiri rectam ut sententiam ferre possint; debere Principes viros convenire, Domino ut inserviant; debere eos sancientiis promulgandisque legibus ostendere se fidem habere Deo, se Remp. & quidem Christianam tueri, amplificare, & confirmare: Scilicet summum Deum odisse malorum Ecclesiam, eosque qui non stant ab illius partibus, contrarios illi & adversarios esse, & planè perduellionis reos.

11. Quò minor est rerum bonarum cura, quo major est doctorum virorum paucitas, eò vos hæc ipsa defendite diligentius. In Patriam & Remp. intuemini, Patres, cui dati estis à Deo Governatores. Scelerati & flagitiosi omnia referre solent ad utilitatem propriam, nec facile possunt animum inducere ut agant omnino aliquid gratius: Vir pius tamen & religiosus  
non

*non commoditates suas quærit, sed totus est in ju-  
vandis aliis occupatus-----Estis Sal terræ, condite  
cæteros : Estis Lux orbis, lucete aliis : Estis Du-  
ces, præite viam reliquis. Estis Angeli Dei Op.Max.  
nunciate ingentem lætitiâ futuram toti Populo.  
Estis divinorum arcanorum dispensatores, scienter id  
facite, & fideliter. Reverendi Patres Episcopi, fa-  
cile est Episcoporum habere nomen, rem præstare  
profecto difficile : vestro si vultis officio perfungi,  
oportebit docendo, monendo, emendando, suadendo,  
deterrendo, disputando, aliisque multiplicibus mini-  
steriis, obire labores maximos, tolerare vigilias, ex-  
cubare animis concoquere longa tædia, pati contumelias  
improbiorum, & versari etiam in vitæ discrimine---  
quare jam inde ab hoc tempore usque ad occasum  
vitæ, extremumque spiritum nunquam disveli vos à  
tam præclaro instituto patiamini.*

*Nony ita multos abhinc annos in eo fuistis multi,  
ut quos possetis ab Operum Nitelis averteretis, à Pere-  
grinatione Religionis ergò, à Lucernis ad Statuas  
affigendis, à Lustrali Aquulâ, Missa Papistica, &  
id genus aliis rebus : superest, Patres, sicut antea dis-  
ceptatum est cum Superstitione, nunc ut cum Impie-  
tate certetur ; sicut antea disceptatum est de malè col-  
locatis Operibus, nunc querela fiat de amissis benefa-  
ctis, & nusquam ferè comparentibus ; sicut antea de-  
clamatum est in Idola, & Cultus execrabiles, nunc in  
illum pestilentissimum Deastrum Mammonem declami-  
tetur. Nam quod Tempus simile Temporum nostrorum ?  
Quos hodiè solent alienas invadere facultates ? cate-  
nus amplectuntur plerique Religionem, quatenus quæ-  
stum ex eâ commodumque faciant. Ut distrahantur  
Opes Ecclesiasticæ ! Sacerdotiorum quam frequens est  
Nundatio ! Venalia Tempia sunt, Venales Ecclesiæ.*

*14. Nam quid ad hæc dicemus Auditores optimi ?  
Scholarum & magistrorum quibus carere Christianæ*

*citi-*

civitates nullo modo possunt, cur dilaniari finitis alimoniam & viscera? quid de vobis judicabit atque sentiet Posteritas, tantam audaciam si non coercebitis? quousque conceditis hanc licentiam? Quousque comprobabitis quæ Avarissimus quisque concupivit? Si potestis parùm, saltem cohibere Assensiones, ne participetis eorum facta. Si potestis ampliùs extinguite crescentem flammam, ne deinde Victrix ad Domorum & Templorum Tecta subsiliat.---Agite, O Præsides, & Procuratores Ecclesiæ, per Deum Immortalem agite.---

16. Vident certè multi qui possit ex hisce malis eripi Ecclesiæ, sedent tamen compressis manibus, scùmque (ut dicitur) vivunt.

19. Si estis Episcopi, circumspectate quid à famulis, quid à liberis, quid à ministris Ecclesiasticis, quid à Magistratibus, quid agatur à populo. Si estis exploratores, Exquirite Papistas, investigate Anabaptistas, Libertinos, & Hæreticos omnes deprehendite, corrigite, fugate, fundite. Si Legati estis, Imperata peragite; Si Custodes omnium, custodite Domini vestri Ovilia, & quidem integra, ut ne partim foucantur, partim deserantur.

23. Jam nunc penes vos erit vestroque in arbitrio positum, aut Ecclesiæ Proceres præclarissimos, aut Custodes inertes & negligentes in perpetuum appellari. Quapropter excitate Spiritus; Erigite capita; aures, oculos, animisq; advertite; omnia collustrate; in toto regno religionem confirmate; Literas, Leges, virtutesque conferite. Vos si in speculis forte stetistis Episcopi, jamdudum sentire potuistis pleraque in Ecclesiâ agi raptim, atque turbatè, sine more, sine ordine. Quid ergo? quid existimatis, gravissimi viri? desiderari nullas Leges Ecclesiasticas?

24. Necessè habetis pro eâ conditione in quâ positi estis maleficia palàm patrata palàm arguere, neque per-



personarum in eâ re discrimen habere ullum.——Vos cum excluderitis eos è Christianorum conventiculo, docbitis populum ea sancta credere, quæ ab istis violari solent.

26. Contra horum Luporum omnium incursus quam paratis defensionem, Patres ? & quos tandem opponitis adversarios ? O rem miseram, atque miserandam ! ad Ecclesiarum procurationem admoventur non Patroni, Tutores, Defensores ; sed prædones, hostes, proditores ; Qui non quàm ipsi boni sint curant, sed quàm bonum Sacerdotium.——Mirer si est vana ferè vestra, Pontifices apud plebem authoritas ? Vos elevatus eam. Quippe quia muneribus & emolumentis Ecclesiasticis dum vultis vobis devincire nescio quos ex alieno genere atque ordine, efficitis ut minùs possitis ipsi, & estis majori despicatui. Qui alius Exemplo esse debetis, aliorum Exemplo peccabitis potiùs quàm alii vestro rectè faciant ? His ego jucundiora & plausibilia dictu alia esse scio, sed me vera & seria pro jucundis & plausibilibus loqui, etsi meum ingenium non juberet, necessitas Cogit.

29. Ipsa Patria sic vobiscum, Pontifices, agit & quodammodo tacita loquitur.——Quid agitis Antistites ? Vobis non modo inspectantibus, sed etiam assentientibus labefactabitur Ecclesia vera ?

31. Veniat in mentem, vestra quid polliceatur professio, quid noti, quid ignoti, quid expectent à vobis omnes ; quid Regia Majestas, quid ejus Consilarii, quid ipsa Resp. postulet.——Væ vobis, si aut ignavia vestra, aut vitio pusilli animi, aut quovis alio modo perdideritis Oviculas—Date diligenter operam, timeate Mortalium neminem.

*Concio ad Clerum in Synodo Provinciali Cantuariensis Provinciæ ad D. Pauli, Die XX. Febr. A. D. MDXCIII. per Lance- lotum Andrews Theol. Doct. Inter Opus- cula, Edit. Lond. 1621.*

*Act. XX. 28. Attendite Vobis, & Universo Gregi in quo Vos Spiritus Sanctus posuit Episcopos, &c.*

P. 27,  
28.

**N**Eque verò hæc Apostolus—Viderat procul du-  
bio, viderat alicubi in Synodo remissas quo-  
rundam manus, soluta genua : Viderat nonnullos in  
Asiâ, quorum nos hic in Angliâ non paucos vider-  
mus, ad Munus suum vel non satis attendentes, vel  
non satis acriter tendentes animo—Ita ferè animati  
sumus, ita (ut eleganter Augustinus) secum quis-  
que loquitur, Quid ad me pertinet ? quisque  
quid velit, agat; Victus meus salvus erit, & Lac &  
Lana ; Satis est mihi, eat Ecclesia quâ potest.  
Hoc malum sub Sole est, Patres ; ab hoc verò malo  
est quicquid usquam est mali. Gladem Ecclesie  
sic oritur Christus in Parabola Zizaniorum, cum  
Dormirent Homines. Scio quidem accessit In-  
vidia Dæmonis ; sed substrata illi causa, Desidia  
Hominis. Nam certè quæ fuerunt unquam Gre-  
gis Dispersiones, aut agri Zizaniis oppleti, vel  
luxatæ in Ecclesia trabes, & tecta perstillantia,  
ab hoc malo fuerunt omnia. Etiam Nos, Patres,  
dum semisomnes hic sedemus, (quanquam somnu  
tamen

non fuit, vidimus enim); dum videmus ergo, sed tamen tepidi & tacentes sedemus, nescio quæ portenta Opinionum invaluerunt hic apud Nos, nulli prisorum audita vel visa, & vulgi aures animisque occupant; ac jam Zizania scilicet Zizania non sunt; Fruges sunt. Cura certè nobis, si non Cor defuit; & eadem redit, venienti malo vel non attendere per oſcitantiam, vel non contra tendere per recordiam.

P. 29. Neque verò lata magis Ecclesiæ facies, aut quam videre mallet, quam cum Timotheos habuit, qui rem Gregis germanè accurabant; neque verò tetra magis aut funesta facies Ecclesiæ, quam cum Galliones habuit, quibus nihil illorum curæ, quibus susque deque quid faceret Ecclesiæ.

P. 31. Et est in Vobis Cura, est Attentio vestri; quis negat? Satis enim Vos vobis attendere, & rei vestræ, populi Vox est; satis Vos strenuè discendis filiis, docendis filiabus attendere: tam verò Vos hæc ex parte attentos esse, ut Hæredum magna sit Vobis attentio, Successorum exigua (etsi quæ exigua est, aliqua est); [imò] ut præ Hæredum attensione, nulla sit Successorum. Attendere, hoc quidem est; sed vereor ut Pauli sit.---

P. (31.) Omnium in Vos Oculi atque Ora conversa sunt.---Quod si quis in vestro illo tam sancto ac venerando Ordine mala frugis, si quis Dilapidator Ararii sacri, si quis Polygamus, si Nepos, si Falsarius, si Fenerator, si caupo Beneficiorum; late se spargit Exemplum, & nimis facile responsum, Idem hoc Episcopus noster factitavit.---

P. 32. Hæc ad Vos de Vobis. De Grege jam vestro superest sermo alter.---Omnino auditur Susurrus iste in vulgo (utinam falsè); Ubi Vestra res agitur, si quid in Titulos, in Statum, in Dignitatem Vestram tentatur, si periclitatur pars vestra in redargutionem venire; ut ille, præcedenti capite, pro

Dianâ sua, iidem & Vos mirum in modum satagere; non labori, non sumptui parcere, non attentioni ulli: de Grege vero non perinde sollicitos esse. Etiam hoc quoque dicitur, ad illos Confessus vestros & Consistoria, si vestram cuiusquam privata res agatur, sius luerum est, siue vindicta, alacres, arduos, attentos aduolare Vos, ac vehementer quidem perorare: si aliquid in commune tractandum, si collatis sententiis deliberandum, vel nequid Ecclesia detrimenti capiat, vel cum quid Ecclesia detrimenti cepit, si res gregis præ manibus est, concidere illico attentionem vestram, subducere se quemque, vel non interesse, vel, si interest, tepidum & tacentem sedere & obtorpescere.

P. 37. Attendite, inquam, idque perpetuo facite; Domi quisque in speculâ, Foris in Visitatione vestrâ, tunc verò in Synodo hic hostis, vel maxime. Synodorum enim vel uno hoc attentionis nomine in Ecclesiâ illustre semper nomen, & cum celebri tunc salubris Authoritas; in quibus—magnum semper remedium existit ad corrigendum Ecclesiæ. Si quando enim Murmur in ea exortum, hic sedatum est (cap. 6.); si quando emerfit Hæresis, hic profligata est (cap. 15.); si quando quid ullâ in re cuiquam Indulgendum fuit, hic dispensatum fuit (cap. 21.). Benedictus Deus, qui dedit talem Potestatem Hominibus! Beati verò Homines, quibus Potestate hæc datâ legitime uti fas!

P. 40. Proximè post hos Attentionem vestram requirit scelerata illa Simonis & Judæ fraternitas; Judæ, quid datis mihi? querens; Simonis, vel pecuniam, vel peiorem pecuniâ conditionem offerentis. Nec hoc solum in Nobis Minoritis, qui sic Rectorias nostras ferè paciscimur; sed & apud Vos Majoritas, quos sic Cathedras vestras, nempe vel Pecuniarum summis, vel Ecclesiarum spoliis fadè cauponari vulgò distitans. Quo morbo male jamdiu habet & audit Ecclesia nostra? nunquid non est Refina in Gilead? quare itaque non est abducta Cicatrix Lepre hujus? Thesè

These Three Instances, taken at three several Distances, from the times before the Reformation down to the Latter End of Queen *Elizabeth*, will convince the Reader, that the Solemnity of opening a Convocation, is it self a matter of some Importance, and which would deserve carefully to be kept up, even tho' there were nothing Material to be done in Synod afterwards. We live in a *Preaching* Age, when the Devotion of People runs much that way, and they are mightily indulg'd in it. Pity it is, that whilst so many New Discourses of this kind are set up for the Laity, this One good Sermon *ad Clerum* should be put down; which, besides that it has some Hundred years Prescription to plead for it self, is at least as edifying an Exercise as any of those that are more encourag'd.

I have examin'd all the *Modern* Instances produc'd by Dr. *Wake* in behalf of his Darling Point, That the Chief End of Convocations is to give Money: His Elder Accounts would afford as much room for Reflection, if it were worth the while to pursue 'em as minutely. But I suppose there is no great need of proving to the Reader, that a Writer has mislead him in Facts of an Ancient Date, when I have shewn that he has done it in things that have hapned within our Memories, and under our Noses. For he that will im-

(292) of an English Convocation.

pose upon a Man before his Face, will certainly do it behind his Back; and the more out of his Reach he is, the more he will do it.

It is said, his Superiors have employ'd him in an Edition of these Old English Councils. If he deals with them as ill in that Edition, as he has done in this account, it will, I am sure, be the faultiest Book in the kind, that ever was Printed; and so far from mending Sir Henry Spelman's Collections on this Head, that it will be worse than Mr. Baxter's. However, should he discharge the Task never so well, his Hand, I think, is not proper to be employ'd in it: for the World will judge it a Preposterous thing for the same Pen to be used in preserving the Memory of Old Canons, and writing down the Priviledges and very Being of Convocations. I suppose he thinks the Mortal Blow is now given to the Church, and that she will never hereafter speak by her Provincial Assemblies; and therefore, as the way is to give accounts of Men when they are Dead, he thinks it time to collect the Acts of a *Departed* Convocation. But he ought to be sure, that it is departed, before he enters on this Task: for should it ever revive and sit again, one of the first Requests it would make, might possibly be, that the Work should be taken out of his Polluted Hands: Since the Church cannot hope, from what she knows  
of

of him, that his Account of her Synods will be given with any other View, than the Learned Fryer wrote the History of that of *Trent*; on purpose to expose 'em. But this is a Distant Concern; Our Business at present is with him only as to the Treatment which these Antient Councils have found from him, in the Work we are upon: and upon this Head, I shall for the Reasons already given, trust the Reader, without entering into the Retail of it; adding only to what has been already said in this Chapter, one short Remark——That from *Henry* the Eighth down to the last Unhappy Prince, no King has sat on the Throne, who did not allow and encourage these Meetings of the Clergy. King *James's* Late Reign made the first Exception of this kind; when *Popery* and *Arbitrary Power* being determin'd to be set up, consequently Parliaments and Convocations were laid aside, from whence the Greatest Hindrance to those Designs was most likely to come: for tho' the Clergy wrote *Popery* out of the Kingdom, in a smaller time than they could be expected to have done it in that Method; yet, had they been allow'd to sit in Convocation, they had probably dispatch'd the Work somewhat sooner. But the Oppressive Pattern then first set, will not, we dare say, by our Generous Deliverer be follow'd. Frequency of Parliaments has been the distinguishing Mark and Glory of his Reign; and it will add  
some



some small Lustre to it, if it may be said in our Annals, that the Liberties of Convocations too were no less tenderly preserv'd. We question not, but so Good and Gracious a Prince, and so great a Pillar of the Protestant Religion, will in this respect yield to the Just and United Desires of his Clergy, when they are sufficiently made known to him. No Men resisted the Encroachments of the Late Reign more than They; no Men by their Labours and Zeal contributed more to our present happy Establishment; and they have reason therefore to hope for their share in the Common Benefit of it.

---

CHAP.

C H A P. VII.

**B**Ut to return to our Business — Another Objection made by Dr. Wake against the Reasonableness of the Clergys Assembling with every New Parliament, is, That when this was Customary, they were a *Member of Parliament*; but not being so Now, neither is there the same reason that they should assemble with it \*. To this I answer, that the words *Member of Parliament*, may be taken differently, as they signify either an Essential Part of the Legislature, whose Consent and Authority is necessary to all Laws; or a part of the Great Body of Parliament, assembled by the same Writs, at the same time with it, but to some special Intents and Purposes prescrib'd by our Constitution. In the former Sense, the Clergy are not, nor for some hundred Years have been; in the latter, as they always were, so they still, I presume, are a Member of Parliament: Not an *Intrinsic Member*, if I may be allowed so to speak, or *Estate of Parliament*; but only an *Extrinsic Part* of it, or an *Estate of the Realm*, call'd with the Parliament always, and attending upon it; who have a Parliamentary Right of Petitioning, and Advising within their proper Sphere, and at whom Decrees about Matters Spiritual ought regularly to begin. They are a Lesser Wheel in the Machine of Government, that is act'd by the same Springs and Weights, and therefore moves and ceases together with the Greater, but has peculiar Ends and Offices of its own to which it serves. Nor is this to be wonder'd at,

\* P. 106,  
107, &  
(284)

T

for

for even the States of Parliament themselves have different Powers and Priviledges, and peculiar Orbs of their own, as it were, within which they move; the Lords are distinguish'd by their *Jurisdiction*, and the Commons by their *Money Bills*: so that the being *Member, Part, or Parcel* of Parliament, does not necessarily imply the very same Parliamentary Interests and Powers. And the Clergy therefore, though no part of the Civil Legislature, nor concern'd directly in the great Affairs of State transacted in Parliament, may yet in other Respects, and to other Purposes, be properly reputed and styl'd a *Member of Parliament*. And accordingly I have shewn, that they have been thus esteem'd, and spoken of, from the time of their separation downwards; and even by *Henry the VIII.* himself, many Years after their submission to him. One instance of this kind has been given already † from a Proclamation in the 35<sup>th</sup>. of his Reign: and because the way of Wording these State-Papers is a matter of great Weight and Importance, I shall here add another, from an Original Direction of the same Prince to his Judges, then about to go their Summer Circuit. It begins thus —

By the KING.

Henry R.

Cleop.E.6.  
fol. 214.

“ **T**Rusty and Right Well-beloved, We greet  
“ you well. And wheteas *heretofore*, as  
“ ye know, both upon most just and vertuous  
“ Foundations, grownded upon the Lawes of Al-  
“ mighty God, and Holly Scripture, and also by  
“ the deliberate Advice, Consultation, Consent  
“ and

"and Agreement as well of the Bishops and Cler-  
 "gie, as by the Nobles and Commons Temporal of  
 "this our Realme, assembled in our High Courte of  
 "Parliament, and by Auctorite of the same, the  
 "Abuses of the Bishop of Rome, his Auctoritie  
 "and Jurisdiction of long tyme usurped against  
 "Us, have been not only utterly Extirped, A-  
 "bolish'd and Secluded, but also the same Our  
 "Nobles and Commons, both of the Clergie and  
 "Temporaltie, by another severall Acte, and upon  
 "like fundation, for the publique Weal of this  
 "our Realme, have united, knytte, and annexed  
 "to Us, and the Corone Imperiall of this Our  
 "Realme, the Title, Dignite and Stile of Supreme  
 "Hed in Erthe, immediately under God of the  
 "Church of England, as undoubtedly evermore  
 "we have been: Which things also the said  
 "Bishops and Clergy, particularly in their Con-  
 "vocations, have wholly and entirely consent-  
 "ed, recogniz'd, ratify'd, confermed and approv-  
 "ed autentiquely in Writing.— Sign'd June 25.

And that this Doctrine was still good, and the  
 Language much the same, as low as the Restau-  
 ration of C. the II. the Office then set out for the  
 5th. of November shews; where mention is made  
 of the Nobility, Clergy and Commons of this  
 Realm, then assembled in Parliament†: For to† Prayer  
 say, that by the Clergy of this Realm, my Lords the 2d.  
 the Bishops only are intended, were so absurd a  
 Gloss, that even Dr. Wake's Pen would, I be-  
 lieve, be asham'd of it. And if they were then  
 rightly said to be assembled in Parliament, they  
 may as rightly be said to be so assembled still:  
 and if assembled in Parliament, why not a Mem-  
 ber of Parliament? to those Intents and Purpo-  
 ses,

ses, I mean, for which they are assembled in it? Dr. Wake will be pleas'd to answer this Question at his Leisure; and withal to inform us, among his late Meditations on the Day †, this had not been a proper one. His Function may be, some excuse for his being a stranger to the Language of the Statute-Book, or of our Manuscript Records: but not to have so much Law as even his Common-Prayer-Book would have furnish'd him with, is, let me tell him, inexcusable.

† Sermon on the 5th. of Nov. 1699.

Dr. Wake's Foundation therefore failing, the Inference he builds upon it falls accourse, and the Argument will now run quite the other way; that, because the Clergy are a *Part*, or *Member of Parliament* (in a qualify'd Sense) therefore they ought to Assemble with it. However, since that Expression is invidious, and liable to be misconstru'd, I willingly wave it, and content my self to say, that, though the Clergy are now no *Member* or *Estate* of Parliament, as they once were (not the *Third*, as Dr. W. ignorantly talks †, but the *First* Estate of it) yet are they still an Estate of the Realm, necessarily attendant on the Parliament; and have attended as such, whenever a new Parliament was called, from the time that they left off to be an Estate of Parliament, till within a few Years past, with few Exceptions to the contrary; and with none, from the Reign of Henry the VII. to that of his present Majesty. And this prescription of some hundred Years has given them an undoubted Right of being summon'd, and sitting as often as a Parliament is summon'd and sits, though they are not a *Member*, or *Estate* of Parliament.

† P. 151.

No more than this need be said, to remove the Objection. But I design not barely to an-

swer

swer Dr. Wake, but moreover to give the Reader every where as Comprehensive a View of the Subject in Debate, as the short compass of this Work will allow of; and shall take occasion therefore from hence to deduce *an Account of the Interest which the Lower Clergy have had all along in these State Meetings.* 'Tis a point that well deserves our Reflections; and Dr. Wake therefore, according to his instructive way, has said nothing of it: No body had gone before him, and common plac'd our Historians, and Manuscript Authorities to his hand on this Argument; and he never ventures to break the way, or to give us any part of Learning, but what has born the test of Time, and is warranted by at least an hundred Years usage.

A compleat State of this point is not to be expected in a Digression; all I can do here is, to lay before the Reader some of the most Material Passages to this purpose, that have occur'd to me in our Histories and Records, and to add here and there a few cursory Remarks upon them: which will throw some small Light into things as we pass, and may suggest matter of juster and sounder Reflections to others, who shall write after me on this Argument. The Proofs taken singly, may few of them perhaps seem full and convincing; however, when united, I perswade my self, they will carry such an evidence in them, as is not easily to be withstood.

The Saxon times are overspread with Darkness, and yet Light enough is still left us to discover, that the *Inferior Clergy*, as well as *Laiety*, were then oftentimes call'd to the *Great Councils*.

of the Realm. Much has been Written on this Point as to the Laiety, but I do not remember that I have met any where an account of the Lower Clergy's Interest in those Meetings; and therefore I shall produce some Proofs of it here, without entring into the Civil part of the Dispute, any further than may be of use to give Light to the Ecclesiastical, and to clear the Ancient Rights and Priviledges of the Commons Spiritual; which, I am satisfy'd, ran even all along with those of the Commons Temporal, and proportionably grew, declin'd, or reviv'd with them.

The first Instance I shall take notice of to this purpose, is that known Preface to King Ina's Laws, which says, they were made (in the Rude, but Faithful Translation of *Jorvallenſis*) *exhortatione & doctrina Ceonredi Patris mei, Hedda Episcopi mei, & Erkenwoldi Episcopi mei, & omnium Senatorum meorum, & seniorum sapientum Regni mei, multaque Congregatione*

† X. Scrip.  
P. 761.

*Servorum Dei* †. That the *Servi Dei* here mentioned were Clergy, bears no doubt; and that the Words are further to be understood chiefly of the Inferior Orders of the Clergy, appears both from their Numbers (for the West-Saxon

\*\* Ibid. p. 335. And in a Charter of Milred, Bishop of Worster (A. D. 774.) he makes his grant *cum Licentia Servorum Dei, qui sub meo regimine Dei Providentia constituentur* (Monast. Vol. I. p. 122.) i. e. of all the Clergy of his Diocese.

Bishops and Abbats were but few), and from the like use of the Phrase in other places: for instance, in the Council of Cloveshoe, A. C. 824. (another mixt Assembly) the *Dei Servi*, then present, are thus in the next words explained; *Presbyteri, Diaconi, & Plurimi Monachi* \*\*.

And when therefore Athelstan's Laws are said to be drawn up at one of these State-



State-Meetings || *Consilio Wolfelini Archiepiscopi*

*mei, & omnium Episcoporum, & Dei Ministrorum,* † those *Ministri Dei* also are to have the same Interpretation. Something of this Dr. W. seems to have been aware of, and therefore slid over these three Instances in haste as it were, and touch'd them

tenderly: His account of the first is, That *Ina* made his Laws with the consent of his *Bishops* and all his *Aldermen* \*; of the last, That *Athel.* \* P. 171.

*stan* publish'd his Ecclesiastical Laws with the Council of his *Bishops* †; and as to the third, he † P. 162,

tells us, There was such a Council at *Cloveshoe*, Anno 824. (· ·) and that's all. Very succinct (· ·) P. 172:

indeed! especially, coming from the Pen of so prolix and tedious a Writer; who fails not to tire us with Circumstantial Accounts of things, when they are unenlightning: But here a punctual Relation might have open'd Eyes, and made Discoveries; and in such Cases Dr. W's communicative Temper always fails him.

I shall supply his Defects as to one of these Instances, a little further than I have done, by transcribing a Passage or two from an old Charter granted to the Church of *Worster*, and entered in the Register of it. There this Meeting at *Cloveshoe* (Anno 824.) is called *Pontificale & Sinodale Conciliabulum*, at which the King, the *Bishops*, *Abbats*, & *Universi Mercensium Principes*, & *multi Sapientissimi viri* were present.

*Statut[us] est autem atque decret[us] ab Archiepiscopo, & ab omni Sancta Sinodo illa consentienti, ut Episcopus, qui Monasterium & Agellum cum libris haberet, cum jramento Dei Servo-*

|| For thus we read at the close of it. Totum hoc--- in Magna Synodo apud--- qua Arch. Wifinus interfuit, & omnes Optimates, & Sapientes quos Adelstanus rex potuit congregare. *foru.* p. 845.

† Ibid. p. 841.

[um]

[aret]

rum, Presbiterorum, Diaconorum, & plurimum Monachorum, sibi in propriam possessionem terram illam cum adjuratione adjur[asset], &c. Quapropter quis, &c. contra Decreta Sanctorum Canonum sciat se facere; quia Sancti Canones decernunt quicquid Sancta Synodus Universalis cum Catholico Archiepiscopo suo adjudicaverit, nullo modo fractum vel irritum esse faciendum.—The Charter is subscribed by the King, Bishops, Abbats and great Men of the Laity; and then comes this Note in Saxon, thus Translated by Dugdale\*: *Eidem Juramento apud Westmonasterium prestitum adierant 30 Sacrifici †, & 10 Diaconi, & ex omnibus aliis Presbyteris, 160.* And after that, this other: *Hec sunt Sacrificorum nomina qui Juramento illi astiterunt, & idem prestiturunt,*—which is follow'd by the Subscription of 3 Abbats, 47 Presbyters, and 6 Deacons. The Book which furnishes us with this Instrument, is a venerable Monument of Antiquity, reposit in the *Carton Library* ‡; it was written about the Conquest, that is, within 250 Years of the Date of this Council, whose constituent parts it thus reckons up; and the Account therefore it gives is as Authentick, as it is Considerable: which are two reasons why Dr. W. should pass it by unobserv'd.

\* Monast.

vol. i. p. 125

† The Sax-

ons &amp; Mas-

se-preosta

[i. e. Mis-

siles Pres-

byteri] in

both places.

‡ Tiberius

A. 13.

The only instance of this kind, I think, which he has prevail'd with himself to mention at length, is the Council of *Beanceld* in 694. where together with the *Duces, Satrapæ, Abbates, Abbatiffæ*, there met also Presbyters, and Deacons, who are said *in unum glomerati de statu Ecclesiarum Dei pariter tractare*; and accordingly in the Subscriptions of that Council yet remaining, there are the Names of 8 Presbyters\* to be seen.

\* Spelm.

Conc. v. 1.

p. 19c.

This

This is so clear a proof of what I am contending for, that allowing the matter of Fact true, there is no evading it. Dr. W. therefore would fain, if he could, have the Account thought Fabulous; if (says he) *the Relation be true, it was indeed an Assembly of an Extraordinary Composition* (a). But if he suspected it not to be true, he would have done well to acquaint us with some of the Grounds of his Suspicions; all which he has discreetly kept to himself. And indeed, I cannot imagin what Ground there can be to suspect the Truth of it: There are no Marks of Imposture in it, nothing that disagrees with the Story, or manners of that time. Sir H. Spelman printed it from five good Manuscripts, and one of them, near as Old as the *Saxon Age*. In the *Ancient Saxon Chronicle*, there is at the Year 694. a very large and particular account of this Council: and, least the Dr. should startle at the *Abbeßes* being found in such Company, they are expressly mention'd also by that Chronicle as present. Nor can this be matter of surprize to any one in the least acquainted with the State of those times, when it was not unusual for *Women* to assist at their Synods, and great Councils; witness the *Synod of Nidde* \*, and that of *Streanshealeh*, mention'd by Dr. W. † as held in the Monastery of *Hilda*, and in which (though he does not mention it) she herself sat, Argu'd, and Voted ‡. *Ingulphus* who understood the manner of these *Saxon Assemblies* somewhat better than Dr. W. does, did not suspect a Charter pass'd in one of them, because he found several *Abbeßes* subscribing their Names to it (··). And there is reason to believe that this Practice was not confin'd to the times

(a) P. 171.

\* Eddius

in Vita

Willfredi.

c. 58.

† P. 166.

‡ See Eddi.

c. 10. and

Beda Eccl.

Hist. l. 3.

c. 25.

(··) P. 17.

\* P. 230.

times before the Conquest, but continu'd long after it; if at least an expression in *M. Paris* may be rely'd on, who tells us, That in the Year 1210. *venerunt ad Generalem Vocationem [Regis] Abbates, Priores, Abbatissa* †, without any Intimation that the latter of these came by Proxy only, and not Personally to this Meeting.

What is it then that makes *Dr. W.* think this to be an Assembly of an *Extraordinary Composition*? it must be, because he finds *Presbyters* and *Deacons* there: but that this is no such Extraordinary Thing, appears from the instances I have already produc'd, and yet further from these that follow. For,

In the Year 697. the constitutions of *Wuhred* were made by the Bishops, & *ceteri Ordines Ecclesiastici illius gentis* \*; in which several of the Clergy under Abbats must be included.

\* In a Mixt Council; for the Viri Militares are said to be there. Spel. Conc. V. 1. p. 194.

In 747. at another Council at *Cloveshoe*, together with the King and the Great Men of the Laiety, there are said to meet *Præsules, & Plurimi Sacerdotes Domini, & Minores quoque Ecclesiastici Gradus Dignitates*; and these did all (the lowest as well as the highest) *de Unitate Ecclesiæ, ac statu Christianæ Religionis & concordia Pacis tractanda confirmandaque pariter confidere* †.

† *Malsimb. l. 1. p. 197.* In the Legats Relation to Pope *Adrian* of what pass'd at the Synod of *Calchyth* (A. C. 787.) it is said, That every thing was done in *Concilio publico coram Rege Ælfsvaldo, & Archiepiscopo Eanbaldo, & omnibus Episcopis & Abbatibus Regionis, seu Senatoribus, & Ducibus, & Populo Terræ* \*. And at the Close of the subscriptions we find these words, *Hij quoque saluberrimis*

\* Spelm. ibid. p. 300

*luberrimis Ammonitionibus Presbyteri, Diaconi Ecclesiarum, & Abbates Monasteriorum, Judices, Optimates, & Nobiles unopere uno ore consentimus, & subscripsimus* †. Which words occur † P. 301. also in a Charter of the Year 996, granted to the Dean of Wolverhampton, in a great Council of the Realm :.

.. Monast.

In a second Synod at Calchyth (Anno 816.) <sup>v.l. p. 991.</sup> we find the King *cum suis Principibus, Ducibus, & Optimatibus: tum undique sacri Ordinis Praesides cum Abbatibus, Presbyteris, Diaconibus, pariter tractantes de necessarijs & utilitatibus Ecclesiarum* ||.

|| Spelm. 16.

At the Coronation of King Edgar (Anno. <sup>P. 328.</sup> 973.) the Saxon Chronicle tells us, *Conrenerat Sacerdotum Cetus, ingens Monachorum turba, sapientumque Concilium* (..). <sup>(..) P. 122.</sup>

By the *Sapientes* here mention'd, the Laity are chiefly to be understood: But in other places, where the lower Clergy are not distinctly nam'd, the Word comprehends Them also, and is design'd to express them; of which that passage in *Simcon Dunelmensis*, where he speaks of the Synod of *Finchale* (and probably speaks out of the very Acts of that Synod) is a clear Proof: His words are, *In diebus justorum Regum, & Ducum bonorum, atque sanctorum Episcoporum, aliorumque Sapientum, Monachorum scil. atque Clericorum, quorum prudentia, &c.* † † Lastly, † † X.

At the great Council of *Westminster*, conven'd <sup>Script. p. 114</sup> Anno 1066. by *Edward* the Confessor, upon the Consecration and endowment of that Abby, there was *Generalis totius fere Nobilitatis Angliae* <sup>† Hist. Ramseyens c. 120.</sup> *Conventus* †; and, on the Church part, *Episcopi & Abbates totius Angliae, & Monachi, & Clerici* †, who went aside to excommunicate the <sup>† Spelm. ibid. p. 629.</sup> In-

Infringers of the Priviledges then granted.

These Instances are so plain as to need no Comment, and to admit no fair Reply. Dr. W. indeed seems to have laid in matter for an Evasion, where he speaks of *Ecclesiastical Synods properly so call'd*, at which the King, and his Nobility were present; insinuating, that we are to distinguish these from those mixt Saxon Councils, compos'd originally, and equally of the Clergy and Laiety. But this is an imaginary Distinction, for which there is no foundation in History. There were indeed in these times *Ecclesiastical Synods properly so call'd*, without any intermixture of the Laiety; but there was no Business appropriated particularly to these; the most solemn Church-affairs being transacted generally at the State-meetings by the Clergy then assembled; who went aside and consulted among themselves, and then laid the result of their Debates before the great Council of the Realm, in order to be confirm'd by them. And wherever therefore we find the several Orders of the Laiety present, we must consider, that that Assembly, where they were present, was a *State Council*, though matters properly of Ecclesiastical Cognizance were transacted in it. Besides, several of those Councils I have instanc'd in, had *Civil* as well as *Church-affairs* before them, and made Laws in both equally; which is a sure sign that they were not pure Ecclesiastical Synods.

It may perhaps further be urg'd, that the Lower Clergy present at these State-Councils, were no part of them, but call'd only to a Synod by their Metropolitan, at the same time and place that the great Council of the Realm met. But they who shall thus pretend, must produce some

some good Evidences and Authorities to support this pretence, and not expect that we should take their bare word for it; the common appearances of History being on the other side. However, allowing this Scheme true, yet is it some proof of the Interest which the Inferior Clergy had in those State-meetings, if they were us'd to assemble *together with* them, though not *in* them; this being the only Interest they at present claim.

Not that I believe them to have had place in all (even the most ordinary and stated) Assemblies, but only in the Greater and more Extraordinary ones; the *Wittenagemots*, and *Mycel-Synods*, the *Magna Concilia*, and *Pleni Folcmoti*, which are plainly distinguish'd from the less Solemn and Numerous Councils; and which met together only *ex arduis contingentibus, and legum condendarum Gratiâ*, as Sir H. Spelman observes†: The foundation (as I have said) being laid thus early of that difference, which afterwards more plainly appear'd, between *Councils*, and *Parliaments*, properly so call'd; which was no new Institution set up first by the *Normans*, but the old usage of our *Saxon* Ancestors, Time without Memory.

† In Voce  
Gemotum  
p. 261. 3

Nor do I suppose that the Clergymen of lower Rank call'd to these Full Conventions treated always as freely, and acted as authoritatively as the *constant and standing Members*: did: No, I take them as to this, to have been much in the same case with the inferior Laity, who are said oftentimes to have been present at such great Councils, and to have consented to, and approv'd what was done there, but not often to have deliberated or determin'd; just as the Lesser

Mem-



Members of the German *Colloquia*, or *Synods* (the Patterns of our *English* ones) are represented by *Hincmar* † to have interpos'd in them.

† In the passage mention'd p. 30. of this Book.

The Doctrine here laid down is no new Scheme of mine, contriv'd to serve a Turn, but what has in the main been long ago asserted by the Learned Mr. *Sheringham*, in his Book of the *Supremacy*. "In the *Saxon Times* (says he) "Laws were commonly made by the Approbation and Consent of the Nobles, Archbishops, and Bishops, in a Publick Synod or Parliament: sometimes the Queen was present, sometimes the *Inferior Clergy*, and sometimes also the *Commons*; but that hapned very seldom †. Which coming from the Pen of one of known skill in our *English* Antiquities, and in a Treatise not at all design'd to assert the Liberty of the Subject, does on both these accounts carry a particular weight with it; and will with those who have a due regard for that excellent Writer, be a strong presumption of the truth of all I have offer'd on this Argument.

† P. 52.

Another clear proof of the Lower Clergy assisting frequently at those Great Councils, may be drawn from the *Subscriptions of Charters*, where we frequently meet with *Capellani* and *Presbyteri*, and sometimes with simple *Deacons*, among the other Witnesses. One instance or two have been given already, to which these following ones may be added.

(...) So it should be, though the MS. by the mistake of the Scribe, puts *Edgar* instead of *Ethelred*.

† Lib. MS. Paul. Eccl. notat. B. f. 20. 2.

A Charter of King *Ethelred* (...) to the Church of *Pauls* (Ann. 867.) is subscrib'd by several *Ministri, Abbates, & Presbyteri* intermingled †.

In

In another of the same Prince to the same Church, after the Bishops, *Duces & Satrapæ*, two Presbyters and a Deacon follow. \*

\* Ib. fol. 21.

The *Saxon Chronicle* affords us one of these Instruments (with all the subscriptions at length) which belong'd to the Church of *Peterborough*, and was fram'd *A. D. 664.* and to this also *Eoppa Presbyter*, and *Wilfridus Presbyter* are Witnesses †.

† P. 37.

But the two Charters of King *Edgar* to the Monasteries of *Westminster* and *Ramsay*, are in this respect most observable. To the first, after the King, his Sons, 14 Bishops, and 11 Abbats, 9 Presbyters subscribe; and the last of these thus Writes, *Ego Oswardus Presbyter cum supradictis*, & cum aliis 107 Presbyteris, *infra-ctores hujus firmitatis excommunicavi.* Nine *Duces* follow, and after them this Note: *Ad ultimum itaque una cum Rege & Filiis ejus nos omnes Confratres & Coepiscopi*, & cum totâ hac populosâ & sanctâ Synodo ejusdem loci, omnes futuros Abbates, &c. contestamur — Quatenus, &c. Quod si aliquis præsumpserit, illum sicut Violatorem atque Transgressorem hujus Nostri Decreti, imò Apostolici, ante summum judicem, cum venerit sæculum judicare per ignem, responsurum super hac re invitamus †. That to the Monastery of *Ramsay* is sign'd by six Presbyters, and the last of the six adds also, *Ego Æthelstani Presbyter cum supradictis & aliis quamplurimis Presbyteris infractores hujus firmitatis excommunicavi.* It pass'd in a mixt Council of those times, cum in Natali Dominico (as the Charter speaks) omnes Majores totius regni mei, tam Ecclesiastica Personæ quam Sæculares, ad Curiam meam celebranda mecum festivitatis gratiâ convenissent.

† Cartularium Cz-nobii Westm. in tit. Sulcardus. Bibl. Cot. Faustina. A. 3. fol. 11.

The

The *Alii Quamplurimi Presbyteri* are also mention'd once again in the Body of it; and in the Close this Passage occurs, *Post hujus itaque Privilegii donationem excommunicaverunt omnes Episcopi, Abbates, Presbyteri, qui in plurimâ numerositate eodem die affuerunt, eos qui hoc institutum in fringerent, &c.* †

† Monast.  
vol. 1. pp.  
235, 236.

To which I shall add a like Passage from the Confessor's Privilege to the Church of *Westminster*; *Post hanc Donationem excommunicaverunt omnes Episcopi & Abbates totius Anglia, & Monachi, ac Clerici, eos qui hoc institutum infringerent* ||.

I could multiply Instances of this kind, but I forbear; because these, I think, are sufficient to shew, that the *Inferior Clergy* were an usual Part of the great *Saxon Councils*, since their Names are often either added to, or mention'd in those *Charters*, which pass'd in such Councils, and which were not otherwise held Valid and Binding; as appears by a remarkable Instance, briefly set down in the *Evidentia Cantuarienses*\*,

\* X.Script.  
p. 2218.

† Egbertus & Athelwolf filius ejus dederunt Ecclesie Christi, &c. quod Manerium prius eidem Ecclesie dedit Baldredus Rex: Sed quia non fuit de consensu Magnatum regni, donum id non potuit valere. Et ideo isto anno in Concilio apud Kingstone celebrato ab Archiepiscopo Ceolnotho restauratum est Ecclesie antedictæ.

Vol. 1. p. 20.

\* See p. 32. of this Book.

but more largely explain'd by the *Monasticon* †; out of another Writer. And if in the Subscriptions to many other such Privileges and *Maniments*, we find none of the Clergy under *Abbats*, that is not to be wonder'd at; since the Members only of highest Rank and Dignity were us'd to sign, though all consented; as we have already\* heard from *Ingulpbur*, and may from the following Passages in some of the Conquerors Charters further learn. One of them made in

in the 15th. Year of his Reign thus concludes, *Convenientibus in unam cunctis Patria Primatibus in Nativitate domini, &c. Scripta est hac Charta & auctorifata, & ab Excellentioribus Regni Personis Testificata, & Confirmata, & Corroborata* \*. In another of the Year 1075, \* *Sulcardus* pass'd in an *Universal Synod*, as the word there f. 42. is, the Conqueror decrees, *Communi Consensu, maxime Episcoporum, Abbatum, & aliorum in signum nostrorum Procernm* (::). And in a (::) 1b. fol. third, granted A. D. 1077. the subscriptions are 39. but few: However the Members composing that Synod where it pass'd (the Charter it self tells us) were Numerous, and all these are said *Hanc eandem [Chartam] cooperante sibi in omnibus Divina Pietate honorifice perficientes complevisse. Quorum igitur Memoriam & Nomina singulatum exprimere, & huic Paginula longum & fastidiosum videtur exprimere* †. So that tho' † *Ibid. p.* the Subscriptions of Charters inform us clearly 38. who were Members of those great Councils, yet do they not shew us also who were not; since Multitudes were Present at such Meetings, who yet did not *Subscribe*.

It is not however improbable, that under the Title of *Ministri*, some of the *Inferior Clergy* might often be comprehended; especially when these *Ministri* sign'd, as they sometimes did, in great Numbers, and so as to bear no Proportion to the other Ranks of Witnesses, either of the Clergy, or Laity †. This will seem a Paradox; however, there is more to be said for it, than at first sight may be imagin'd. For as *Minister*, and *Thane*, were words Equivalent, so it is certain that

† Thus a Charter granted to the Monastery of Abingdon is attested by 60 *Ministri*, 7 *Duces*, and 8 *Bishops*. *Monast. v. 1. p. 103.*

the latter of these was apply'd frequently to

† Aded ut multi de Nobilissimis Thanis mortem obirent. — Eorum unus fuit Swithulfus Episcopus de Hrothceaster. Chron. Sax. p. 97.

*Spiritual Persons*; sometimes to *Bishops* †, but more often to *Presbyters*, who in *Athelstan's Laws*, are term'd \* *Messe-Thegnes*, [or *Thanes Spiritual*] in opposition

to *World-Thegnes* [or *Thanes Temporal*] and

\* Apud Jorval.

pp. 845.

846.

|| Ibid. p.

841.

† Monast.

vol. i p. 17.

\* Ingulph.

p. 4.

(...) Glos-

far. in voc

Minister.

\* Reliq.

Spelman n.

p. 42.

\* Introd.

App. p. 21.

were at other times call'd *Ministri Dei* †, and *Theo-Thayni*, if the Manuscript Note of a learned Person does not deceive me. In a certain Charter I find one *Ethelwald* thus signing, *Wintoniensis Ecclesie Minister & Glastonia Mona-*

*chus* †; in another, *Ego Ingvaldus Presbyter, & humilis Minister vocatus audiui* \*.

Sir H. *Spelman* further says, that the *Religiosi* are

sometimes in old Books call'd *Ministeriales*; and that in *Domesday* the *Terra Tainorum Eccle-*

*sie* is often exprelly mention'd \*. *Dr. Brady*

adds, that under the Title of *Terra Tainorum Regis*, the Lands of Priests, and other Inferior

Clergymen are often included \*. However, this

I propose as a Conjecture only, to be admitted or refus'd, as the Men of more skill in these

Matters shall agree upon it: That which I in-

sist on, is, that the *Attestations* and *Style* of

these Charters make it manifest, that many of

the Lower Clergy had place in those great

Councils which confirm'd them. How, and in

what Capacity they were summon'd thither;

whether as representing any part of the Spiritu-

alty, or as the King's immediate Servants and

Dependants, ( his *Hand-Preosts*, and *Hir'd-Clerics*, as the *Capellani* and *Presbyteri Regis* are in the *Saxon Chronicle* only call'd ) is another

Enquiry, which it is not very easy, nor very necessary at present to determin.

Nor matters it much, whether the Charters I have vouch'd be all *Genuine*, or not: for supposing them forg'd, they must be allow'd at least to be well counterfited; or else they would not have pass'd upon knowing Men, when first produc'd. The Monks, who Coyn'd them, were no Bunglers; but understood very well the state of those Times to which they adjust'd these Instruments, and drew them, no doubt, according to authentick Forms and Patterns. And a Testimony therefore taken from thence concerning the Customs and Usages of those times holds near as well, as if they were confessedly *Genuine*, and of the very Age they pretend.

At the bottom of these *Instruments* \*, and of some *Ecclesiastical Synods* †, among the other Inferior Clerks, *Archdeacons* now

\* See Evidentiæ Cant. col. 2212.

† See Spelm. Conc. V. 1. pp. 328. & 325.

and then appear; and those not *Titular* ones only, but such as had *Authority*, and held their Courts for Matters Spiritual, even in the *Saxon* times, whatever a late Writer ∴ pretends to the contrary, who both as an *Antiquary*, and an *Archdeacon*, should have understood this point better. The Words of the Conquerors Writ, whereby he separated the two Jurisdictions, are a plain Proof of this; for they run—*Nullus Episcopus, vel Archidiaconus de Legibus Episcopalis amplius in Hundret Placita teneat*, &c. which implies the Archdeacons to have exercis'd Jurisdiction in the Hundred Courts before the Conqueror came in; especially, if we add the Prafatory Words of that Writ, where he styles these Usages such as had obtain'd *in regno Anglorum usque ad mea tempora*. But because this matter is with so much assurance deny'd by that

∴ Nicolson Hist. Lib. Vol. 3. p. 207.

Writer, and is generally so much mistaken, it may not be amiss, to add a few Instances more; some of which carry the Proof of it above an hundred Years higher than the *Æra* pretended. Sir *H. Spelman's* Opinion in this Case is of Great Weight, and may go for a General Proof: His Words are, "The *Archdeacon*, in the *Saxon* times, had a superintendent Power over all "Parochial Parsons in every Deanery of his Precinct \*. The Acts of the Synod of *Worster*, Printed by Mr. *Wharton* †, recite a Constitution of *St. Dunstan* and Archbishop *Oswald*, made about the middle of the *Xth.* Century, which ordains, *quod nullus Decanus, nullus Archidiaconus de Monachorum Ecclesiis vel Clericis se intromittat, nisi per Priorem Ecclesia* [*Wigorn*]. And there is an Elder Charter of this *Dunstan*, while Bishop of *London*, still preserv'd \* where by he grants a burying place to the Church of *Westminster*, so that whosoever *petierit se ibi sepeliri, non impediatur vel ab Episcopo, vel ab Archidiacono, vel à Parochiano suo Presbytero*. The *Northumbrian* Canons also, fram'd not much after, set this point beyond dispute: Two of these are,

6. *Si Presbyter Edictum Archidiaconi non exequatur, XII Oris eluito.*

7. *Si Presbyter reus criminis contra Archidiaconi Prohibitionem Missam celebraverit, XII Oris dependito.* † And methinks this Last Instance at least might have been known to a man who professes to have made the Antiquitys of our Northern Countys his Peculiar Study; and has ventur'd to add his insipid Remarks to those of the Learned *Cambden*, particularly in that of *Northumberland*.

\* Rel.

*Spelm.* p. 50

† A. S. vol.

1. p. 543.

† In Car-

tulario

Westm.

Faustina

A. 3. f. 13.

† *Spelm.*

Conc. V.

1. p. 496.

'Tis



'Tis true, the Great Man he mentions, places the Rise of the Archdeacons Jurisdiction no higher than He does: but That was in favour to his Own Order; in which cases the Best and Greatest Men are not allways so Discerning, or so Indifferent as they ought to be. It was a slip of that truly Great Man's Memory, who had not then the words of the Conquerors Writ in his View, which prove the contrary: whereas our *Archdeacon* sleepily produces those very words † but a Page or two before he espouses † P. 207. this Opinion.

Nor can he pretend, that he is speaking only of the Archdeacon's Jurisdiction, when it became *Independent* of the Bishops; whereas till the Conquest, he acted merely as a *Deputy*: for besides that this is more than He knows, his Words are plain, that *the Archdeacons had no Jurisdiction in the Saxon times, their whole Business being to attend the Bishops at Ordinations, and other Publick Services in the Cathedral* \*. \* P. 209. And the same is said, but in more forcible Terms, by the Great Man whose Opinion he implicitly transcribes, and approves. But we are not to wonder, that He who so Liberally gives up the General Rights of his Church, should be as ready to quit any Particular Point that is to the Advantage of his Own Office and Authority.

He makes amends however a little afterwards \*, and learnedly proves, that the Archdeacon's Jurisdiction must be somewhat older than the Council of *Clarendon*, from some *Trite Passages* in those Constitutions, so notoriously known, that they have not escap'd even Dr. W's Enquiries †. But if he must needs have pro- † See p. 125

duc'd a Proof of this lower than the Conquest, why was not the Council of *London* under *H.* the I. thought of? where it was decreed \*, that the Archdeacons should take an Oath about the Execution of the Canons then made; not to connive at the Breach of them for Money, but severely to punish Offenders. This would have carry'd his Proof between 30 and 40 Years higher than the Council of *Clarendon*, and would have shew'd his Reader, that he did, not upon such Heads as these, content himself barely to transcribe those, who had transcrib'd others; but convers'd with Original Authors.

To make all he says on this occasion of a Piece, he further adds, *That we should not have known that the Bishops and Archdeacons were forbidden by the Conqueror to mix Jurisdiction with the Earl, &c. in the Hundred, or Shiregemots, but for an Inspeximus, 1. R. 2. m. 12. n. 5 †.* Not have known it! Why, there are divers Authentick Manuscript Copys, or Accounts of it yet in being, writ long before the time he talks of. Particularly one enter'd in the Register of *Winchelsey* †, where the Clergy in their Roll of Grievances recite it. Sir *R. Twysden* saw another of the Hand of *E. the I.* ∴ *Dugdale*, in the Instruments relating to *Pauls*, \* has Printed a third of the same Age: And a much Ancienter Copy than any of these is to be found in one of the Old Books of that Church, || writ about the Reign of *R. I.* between which, and that of *R. II.* there is almost 200 Years distance, as my Almanack tells me. Mr. Archdeacon might have modestly said indeed, that *He* himself had not known of this Charter, without that *Inspeximus*; and some People would be apt to add, nor with it

\* Eadmer.  
Hist. Nor.  
L. 4. p. 95.

† P. 72.

† Fol. 1.

∴ Hist.  
Vind. p. 99.  
\* Art. p. 396.

|| Lib. B.  
versus f.  
Bem.

it neither, if he had been to fetch his Intelligence from the Records of the *Tower*: With which had he been acquainted, he would have known, that this *Inspeximus* was of the 2d. not of the 1st. Year of R. II. as he imagines.

This, I am sensible, is a Digression; but I shall make no Apology for it, either to Mr. *Nicholson*, or the Reader: The One of these, I hope, will overlook it, if he does not like it; and the other may censure it in what manner he pleases.

Having shewn, that there was by our Original Constitution a difference between the Greater and Lesser Councils of the Realm in the *Saxon* times; and this Distinction being yet more Evident in the Latter Ages, from the middle of E. the I. downwards; as our Records, preserv'd pretty well throughout this space of time, abundantly testify: We cannot doubt, but that the same Distinction is applicable also to the Intermediate Period; and that the Conqueror, and his nearest Successors had also their *Magna Concilia* (call'd afterwards *Full Parliaments*) to which the Summons of their Subjects, both of the Clergy and Laity was more General, and the Resort more Numerous, than to their *Ordinary Courts* and Councils, which were held *de more*, for the dispatch of common Business, and at stated Times. And in such *Extraordinary* Meetings it is, that we must chiefly expect to hear of the *Inferior Clergy's* appearance.

Accordingly in one of them, held in the 11th. Year of *William* the I. we find, that a Charter then granted to the Monastery of *Westminster* is subscribed by *Archiepiscopi, Episcopi, Comites,*

*Et alii Seniores, &c. multis præterea Illustrium Virorum Personis Et Regni Principibus diversi Ordinis omiffis, qui fimiliter fua Confirmationi piiffimo affectu Teftes Et Fautores fuerunt. Hii etiam illo tempore à Regiâ Poieftate à diverfis Provinciis & Urbibus ad Universalem Synodum, pro caufis cujuflibet Sanctæ Ecclefie audiendis Et traftandis ad præfcriptum celeberrimum Canobium, quod Weftmonafterienfe dicitur, convocati \*.* It

\* Spelm.  
Conc. Vol.  
2. p. 14.

is plain, this was a mixt Meeting of the Temporalty, and Spirituality, fuch as were in ufe among the Saxons. Who were there on the Lay part, it is not my Buſinefs to enquire: however, They who refrain the words moſt as to Them, yet allow, that they muſt be underſtood to take in Deans, Archdeacons, and other Dignify'd Per-

† Dr. Brady  
Introduct.  
p. 302.

ſons of the Clergy †. This was an Extraordinary Aſſembly; the Conqueror is known alſo to have had his more Ordinary Courts, which were held every Year at the Three Great Feſtivals, and at which he appear'd, Crown'd and Rob'd, in great State and Splendor. And of what Perſons, Theſe were compos'd we learn from the Saxon Annals, where they are thus reckon'd up;

\* P. 190.

*Archbishops, Bishops and Abbots, Earls, Thanes and Knights \**, i. e. all who held by Knightſervice. And among Theſe, that ſeveral of the Lower Clergy had place, appears from the Survey of Doomsday; upon which, we are told, there were found in England 60215 Knights Fees; and of theſe the Religious poſſeſs'd 28015, the Vills 1080, and Parochial Churches 4711 †. There is no doubt, but the Priests of theſe Parochial Churches, as well as the King's Tenants in thoſe Towns and Burroughs, were preſent, or repreſented in his Curia, whenever they aſſembled.

† Author  
Eulogii  
MS. apud  
Selden. Tit  
Hon.

bled. And among Those who are term'd *Religious*, and who had in them near half the Knights-Fees of all *England*, there were, to be sure, some of the *Sacular* Clergy above Parish Priests, and below Bishops. And these too appear'd among his Tenants in chief, at such Assemblies, and are comprehended in that General account given of one of these Courts in a *Cotton-Manuscript*—*Convenerunt ad Regalem Curiam † apud Civitatem Wentaniam in Paschali Solemnitate Episcopi, Abbates, ceteri ex Sacro & Laicali Ordine* \*. \* *Cleop.* Whether more of the Clergy than these, even some who held in *Frank-almoigne*, might not be present at that Extraordinary Convention at *Sarum*, to which all the [*Terrarii*] or Landholders of note in *England*, repair'd, *cujuscunque Feodi fuissent*, (as *M. Paris* †, the *Waverley-Annals* †, and *Huntingdon* †: expressly speak) may be worth an Enquiry.

† Ad ann. 1084. Cujuscunque feudi vel tenementi fuissent.

† Ad ann. 1086.

\* P. 370. But he places it in the Conqueror's 19th. Year.

In his Son *H.* the 1's time, a Parliament met at *London* †; and there the Spirituality went aside, and made several Ecclesiastical Constitutions †. The Lower *Sacular* Clergy therefore were there, whose consent to the framing of Canons was requisite; and so *Hemingford's* Relation of it plainly implis; *statuerunt* (says he) *Archiepiscopi, & Episcopi cum Clero*—which word, *Clerus*, when oppos'd to Archbishops, and Bishops, must signify some of the Inferior *Saculars* or *Regulars*, and not merely Abbats and Priors.

In the Council of *Gloster*, Ann. 1123. (which *Hemingford* has confounded with the former) *William de Corboyl* was chosen Archbishop of *Cant.*

† An. 1102

† Eadme-rus p. 67.

Sim. Dunelm p. 247. *Cant.* But not being a *Religious*, as all the Archbishops of *Cant.* from *Austin* down to his time had been, the Prior and Monks of *Cant.* opposed his Election, and so did all the other Monks of the several Orders there present; with whom most of the Earls and Thanes also sided; if the Monk of *Peterborough* be not partial in his Story †. *Monks* only are mention'd here, because They only were engag'd in the Struggle.

† Prior  
& Monachide *Cant-*  
*warabyrig,*

omnesque alii Monarchici Ordinis Viri, qui ibi fuerunt, oppugnarunt illud integrum biduum, &c. Tunc elegerunt quendam Clericum *W. de Curboil* nomine, &c. & Rex dedit ei Episcopatum: ac omnes Episcopi eum susceperunt—verum rejecerunt Monachi, & Comites, & Thani pene omnes qui interfuerunt. *Chron. Sax.* p. 225.

In King *Stephen's* time the Lower Clergy's Interest in these State-meetings is set in something a better Light by a Passage in a Charter of his to the Church of *Westminster*, which recites, that in his third Year \* there was at *Westminster*, *Universale totius Anglia Concilium*, at which affuerunt quidam Comites Regni mei, & Barones mei quam plurimi, & innumera Multitudo Cleri & Populi \*, qui hiis omnibus interfuerunt, & religioso favore Voluntatem & Assensum Auctoritatis, nostrae Paginae & Privilegio praeberunt †.

\* The Historians  
speak of  
this Meeting  
in the  
very same

words, particularly *Gervasius*; who after saying, there were 17 Bishops, and 30 Abbats there, adds, cum Cleri & Populi multitudine numerosa. *X. Script.* p. 1347. So also *Continuator Florentii*, ad ann. & Hagustald. p. 327.

† *Sulcard.* fol. 60.

*M. Paris's* Expressions relating to the following Reign, are yet Clearer. There were summon'd, he says (2 H. 2.) *Archiepiscopi, Episcopi, Abbates, multarumque Ecclesiarum Praelati*,

ti, cum Comitibus, & Baronibus totius regni, ut negotia Regni & Ecclesiæ pertraherent †. And these last Words are probably those of the Writ it self, by which they were summon'd, and which lay before Paris, in the Register of St. Albans, that he was then transcribing. In 1162, he tells us that the *Universitas Episcoporum, Abbatum, & aliorum Magnatum* met at *Westminster* †: † V. Abb. and these *Alii Magnates* are in his History ex. S. Aug. plain'd by *Comites, Barones, Archidiaconi, & P.* 79. *innumera turba regni* \*. And to the Articles of \* P. 99. L. 1. Clarendon, in 1164, he says there swore *Archiepiscopi, Episcopi, Abbates, Priores, Clerus, cum Comitibus, ac Baronibus, & Proceribus cunctis*; and this, not afterwards, but upon the spot, *Viva voce*, in that very meeting where these Constitutions were made.

With these accounts agree those which *Ger-vase of Dover* has given us of some Great Councils in the same Reign. That at *Northampton* in 1157, was compos'd, he says, of the *Presules & Principes regni, Abbates nonnulli, alique inferioris ordinis persone*. And of another in 1168 he particularly observes, that the *Subprior and Monks of Cant.* had their Writ to come to it †. † Convocati sunt, He mentions Those only, because He himself illic apud London Præ-

sules & Prælati & Proceres, ut contra mandata Alexandri Papæ & Archiepiscopi omnes appellarent. Sed & Monachi Cant. ad idem sunt Evocati. Act. Pontif. p. 1671. And to this, or some such other Meeting, the following passage in his Chronicle refers. Congregatio Episcoporum & Abbatum, & aliarum personarum Ecclesiasticarum apud Londonias facta est. Sed & Subprior & Monachi Cant. Ecclesiæ Imperio Regis jussi sunt etiam assistere. p. 1404.

And in the last Year of this Prince \* we are \* An. 1128 by *Hoveden* told, that he did *Magnum celebrare* Con-



*Concilium Episcoporum, Abbatum, Comitum, & Baronum, & aliorum multorum tam Clericorum*

† P. 642. *quam Laicorum* †.

In the 6 R. I. the same Writer informs us that the Bishops, Earls and Barons were call'd to the *Commune Concilium regni*; and the first day that they met, the Archbishops, the Bishops, Abbats, & Clerici multi Cant. Dioces. \* went aside into the Chappel of the Infirmary at Westminster, and Excommunicated Earl John, and all his Adherents †.

\* i. e. Province.

|| M. Par. p. 209. 52.

5<sup>to</sup>. Job. Military Aids were given the King by his Great Men in a Colloquium at Oxford: *Nec etiam Episcopi & Abbates, sive Ecclesiastica Personæ, sine promissione recesserunt* †.

∴ Author Eulogii apud Selden. Tit. Hon. part 2. c. 5. † Remains p. 209.

17<sup>o</sup>. Job. *Convocatum est Parliamentum Londoniis, presidente Archiepiscopo cum toto Clero, & tota Sella Laicali* ∴ Which Expression, how forcible soever, yet being General, I should not have mention'd, had not the Learned Sir R. Cotton made use of it before, to shew, that the Inferior Ministers of the Church, as well as Bishops, had suffrage in Parliament †.

1 Pat. 8. Job. m. 1. apud Pryn. Parl. Wr. 1 Vol. Præf.

Indeed some of this Princes Great Councils seem, as to the Spiritual part of them, to have been compos'd only of Bishops, Abbats and Priors; as may probably be collected from a Writ in his 8<sup>th</sup>. Year †, reciting, that these Great Clergymen had granted him an Aid in Parliament; and demanding the like Aid of the Secular Clergy of the Province of Cant. below Bishops, then assembled in Convocation. However in others of them, more of the Clergy were plainly present; particularly in one 15<sup>to</sup>. Job. at London, to which Stephanus Cant. Arch. cum Episcopis, Abbatibus, Prioribus, Decanis, & Baronibus

*ronibus regni* is said to have come \*. And the *Archdeacons*, though not specify'd were probably there; for the Clergy we find, went Synodically apart, and made Canons; which implies the Presence and Concurrence of the *Archdeacons*, who were a necessary part of every Synod; and had therefore, almost an 100 years before this, been summon'd particularly by the Archbishop to the Council of London †.

† An. 1125  
See the

*Archbishops Writ of Summons in Spelm. Conc. Vol. 2. p. 33. taken out of the Codex Landavensis. 'Tis the most ancient Summons of any kind that I have ever observ'd.*

In the next Reign, the *Archdeacons* presence in *Parliament* is frequently taken notice of by our Historians, as may appear from the following Passages in *M. Paris*, and the *Annals of Burton*.

123½ XVI. Cal. Jan. habitum est apud S. Albanum ingens Consistorium Abbatum, Priorum, Archidiaconorum, cum ferè tota Nobilitate regni, Magistrorum, & Clericorum—*M. Par.* p. 372.

1247. Fecit Dominus Rex Magnates suos, nec non & Angliæ Archidiaconos per Scripta sua Regia Londinum evocari. *Ib.* p. 719. & agen, Convenerant etiam tunc ibidem, ut prædictum est, Archidiaconi Angliæ, nec non & totius Cleri pars non minima, cum ipsis Magnatibus conquærentes communiter super intolerabilibus & frequentibus Exactionibus domini Papæ.—Tandem de Communi Consilio provisum est, ut Gravamina terra domino Papæ seriatim monstrarentur ex parte Communitatis totius Cleri & Populi regni Anglicani. pp. 720, 721.

1255. Post

\* Subsidi-  
um.

1255. *Post festum S<sup>r</sup>. Mich. tenuit Rex Parliamentum suum apud Westminster, convocatis ibidem Episcopis, Abbatibus, & Prioribus, Comitibus, & Baronibus, & totius Regni Majoribus, in quo petebat a Clero de Laicis Fædis suis sibi [Suffragium] \* exhiberi— disponens hoc prius a Clero, & post eâ à Populo Majori & Minori extorquere. Episcopi vero, Abbates, Priores, & Procuratores qui ibidem pro Universitate affuerunt, nolentes huic exactioni acquiescere— Gravamina summo Pontifici sub sigillis destinaverunt, Quorum Tenor Talis est.*

*De Archidiaconatu Lincolnæ Articuli pro Communitate. Procuratores Beneficiatorum Archidiaconatûs Lincoln, pro totâ Communitate proponunt, &c. Ann. Burt. pp. 355, 356.*

1256. A Writ from the Bishop of Litchfield and Coventry to the Archdeacon of Stafford, commanding him to collect the Papal Procurations, *ipsam Pecuniam tali die in Parlamento Londoniensi nobis assignantes* (Ibid. p. 372.) Which supposes the Archdeacons Then to have attended the Parliament. And accordingly the next time it was assembled, we again find them there: For a Debate arising, this Resolution was taken; *Commune Concilium super hoc resedit, quod Decani, Prelati Regulares, ac Archidiaconi tractabunt cum suis Capitulis & Clericis ita quod ad mensem post Pascha redeant per Procuratores instructos ad plene respondendum* (Ann. Burt. p. 374.) The meaning of which was, that the Deans, Priors and Archdeacons appeared in Parliament, not for themselves alone, but for the whole Clergy of the Body, or District over which they presided; bringing up from them  
Pro-

Procuratorial Letters †, in which their Powers

were sometimes specify'd, and limited: and this made a Recourse to their Principals necessary, as often as any thing was propos'd, that exceeded the Limits of those Powers. This was by way of *Indulgence* to the Lesser Clergy, in times, when Summons to Parliaments were very frequent, and consequently Attendance there very Expensive and Troublesome. And the constitution of *Reading* therefore (so often cited) which first made distinct Proctors from the Rural Clerks of every Diocese, a fixt and necessary part of the Clergys Parliamentary Assemblys, did it not as a *Privilege*, but a *Burthen*:

for it commands them to be return'd, *etiamsi de Conturbatione vel Expensis oporteat fieri mentionem*, i. e. notwithstanding the Trouble and Charge it might be to them. This they felt not, while the *Archdeacons* were Commission'd to act for them; who being bound Themselves to attend in Person, by taking *Procuratoria* from the Inferior Clerks, lessen'd Their Charge, without increasing their Own: But as soon as the Clergy sent up Distinct Proctors, they were oblig'd to maintain them.

The Laiety, I find, were at this time indulg'd in like manner, but in an Higher Degree: for in the Parliament of *Oxford* (Ann. 1258.) this Memorable *Provision* was made, which I shall for more than one reason here insert intirely.

† See a Bishop's Mandate to this purpose, in the next Year (1257) which runs, ut prædicti Dicanus & Prior dictarum Cathedralium Ecclesiarum [Cov. & Litchf.], Abbates, & alii Priores, cum Literis Procuratoriis nomine Congregationum suarum confectis, ac dicti Archidiaconi cum Literis similibus factis ex parte Clericorum qui subsunt eisdem — dictis die & loco personaliter interfint. Ann. Burt. p. 382. This Summons was purely Synodical. P. 9. of this Book, I have given two Instances, wherein the same method was at this time practis'd in relation to the Parliament.

*Si fet a remembrer ke le Commun eslise XII prodes homes ke vendrunt as Parlemenx (which by the last Article were to be held three times every Year) & autre fez quant mester serra, quant Rei, u sun Conseil, les mandera pur trecter de bofoingnes del Rei & del Reaume. Et ke le Commun tendrapurestablecer ke ces XII frunt: & ceo serra fet pur esparnier le Cust del Commun †.*

† Ann.  
Burt. p.  
416.

These Words, at first sight, might pass well enough for a Proof, that the *Commons of England*, properly so call'd, were now represented in Parliament. But upon comparing the several parts of the Relation, it appears, that these very *Twelve*, who are here said to be elected *par le Commun*, are in another place mention'd as chosen by the *Barons*. And therefore the *Community* here spoken of, must be the Community of the Baronage, or Military Tenants, who (the Highest as well as the Lowest) did, it seems, impower this Committee of *Twelve* to act for them in the three Annual Parliaments then appointed to be held. And These, together with the King's Council of Fifteen (at the same time chosen) had Authority to make Acts and Ordinances; as appears evidently from the *Provisions* publish'd the next Year, in the Parliament at *Westminster*, of which it is said—*Ces sunt les Purveances & les Establismentz faitz a Westmoster al Parlement, a la seint Michel, par le Rei & sun Conseil †, & les XII par le Commun Conseil esluz*, (after which these remarkable Words follow) *par devant le Communance de Engleterre, ke dunke fu a Westmuster, le an del regne Henry le fiz le Rei Johan quarantieme terz \**.

† Who the  
King's  
Council  
were, ap-  
pears p. 413  
\* Ibid. p.  
435.

The

The Community of England therefore, as distinguished from the Community of Barons, or Great Tenants in Chief, (represented here by the Committee of XII) were at, and of this Assembly; though the Enacting part of the Provisions then pass'd, did not run in Their Name, whose proper Province it was to Represent, and to Petition. Accordingly at their Instance these very Provisions were made, as the same Annals inform us, — *Significavit Communitas Bachelaria Angliæ Domino Edvardo filio regis, Comiti Glovernia, Et aliis Juratis de Concilio Regis apud Oxoniæ, quod dominus Rex totaliter fecerat Et adimplevit omnia Et singula quæ providerant Barones, Et sibi imposuerant faciendæ, Et quod ipsi Barones nihil ad utilitatem reipublicæ sicut promiserant fecerunt, nisi Commodum Proprium Et Damnum Regis ubique, Et quod nisi inde fieret Emendatio, alia ratio Pactum reformaret.*— Upon which it follows— *Tandem videntes Barones magis expedire promissa sua per seipsos adimpleri quam per alios, publicè fecerunt Provisiones suas promulgari subsequentes* \*. Here the Community \* pp. 427, 428. *Bachelaria Angliæ* are the same with the *Communance de Engleterre* before mention'd : And that These were no Tumultuary Rabble, but a Constituent Part of the Parliament, who had an Interest there, and a Power of acting within their proper Sphere, is manifest from their threatening the Barons, that if they did not publish the Provisions agreed on at Oxford, they would do it themselves; that is, they would step out of their Circle, and Ordain, whereas they were us'd only to Represent, or to Petition.

And that this word, *Bachelers*, was then apply'd to the *Commonalty*, as we now understand the word, may be gather'd, I think, from another Writer \*, who a few Years after this tells us, that the *Inferior sort of People*, who in every Town and Borough, did without, and against the Governing part of it combine together for the Redress of Grievances, styl'd themselves by this Name; in imitation, I suppose, of the great *Communitas Bachelerie Anglia*, who push'd on this Reformation in Parliament. Indeed *Wykes*, a Warm Advocate for the Crown, uses the word there in an angry and reproachful Sense; the Licentiousness, and Disorders of those Times having distast'd him: but that it had a more Honourable Meaning some Years before this M. *Paris* shews †; and that it recover'd its Credit again, and was long afterwards imploy'd to signify those Commons of Lower Rank, who had place in Parliament, take these two Instances out of many.

† Ad Ann.  
1244.

*Rex die crastino Coronationis sue de assensu Baronum sibi assistentium delegit & per Literas suas Patentes vocavit & constituit duos Episcopos, duos Comites, duos Barones, duos Banneret-  
tos, & quatuor Bachiliers de Consilio, Statu, Honore, & Emolumento Regis & Regni procurando & ordinando, &c. Rot. Pat. 1. R. 2. p. 2. m. 16.*

And again in the last Year of this Prince, the Lower House of Parliament are, in the Instrument of his Deposition \*, more than once call'd  
\* See it ad  
calcem X  
Script.

*The Bachelers and Commons of this Land.*  
Upon the Whole therefore I must needs, till I am better inform'd, think this a clear Proof, that the *Commons*, properly so call'd, had Interest in Parliament, before the 49 H. III; notwithstanding



ing what has been said to the contrary by some Learned Persons, whom for their great Skill in our *English* Antiquitys I honor. And with due Reverence to Them, I shall ( since I am upon this Head ) beg Leave further to say; That had such a Change hapned all at once, in this Point of time which they have pitch'd upon, some of our *English* Annals would to be sure have taken notice of it: which yet I do not find that any One of them has done. On the contrary, several of them speak of the Parliaments preceding this in Terms that imply them to have been at least as Numerous. For instance, a Parliament in the 48. H. III. is thus describ'd by *Matth. of Westminster*, *Maxima cōadunatur Congregatio Londini Procerum & ceterorum Prælatorum regni, quanta non est visa longo tempore in Angliā* \*; and of another in the same year, he says, *Magnū celebratum est Parliamentum Londini* †: the very word that is us'd of that in the 49 H. III. by the *Annals of Waverley*;; which *Wykes* passes over with this mention onely, *Convocatio non minima Procerum Anglicorum* †. This was, I know, a very busy and bloody Year, and bred much business for the Pens of our Historians: However no Passage in it could be more Considerable than this of the Enlargement of our Great Councils, had it then newly hapned; nor would have deserv'd better to be recorded. When the Clause, *Premunientes*, was first inserted into the

\* P. 384. To this Parliament the Record ( printed by Mr. Petyt Miscell. Parl. p. 41. ) refers, which contains a Form of Peace à Domino Rege, & Domino Edmundo, Prælati & Proceribus, & Communitate totâ regni Angliæ communiter & concorditer approbata. It was seald in Parliament, de consensu, voluntate, & præcepto domini Regis, nec non Prælatorum, Procerum, & etiam Communitatis, tunc ibidem præsentium. Rot. Parl. 48. H. III. pars. unic. m. 6. dors. in Scaccario.

† Ibid. . P. 216. † P. 65.

Bishop's Writ, our Historys take notice of  
 it (:); and so they would (some of them at  
 least) of these New Writs for the Knights, Ci-  
 tizens, and Burgeses, had they then first issued  
 out. 'Tis true, the same Objection lyes against  
 fixing the Date of this Change in any Year, if  
 it were necessary to fix it in any, which I sup-  
 pose it is not: the Alteration being, as I appre-  
 hend, not made all at once, by any sudden and  
 Violent Shock in the Government; but intro-  
 duc'd leysurely, and by easy degrees, according  
 as the Exigences of the Times, and the Designs  
 of the Partys then contending either for Empire,  
 or Liberty would allow of it: the Barons favor-  
 ing the growth of the Commons Interest in Par-  
 liament, as promising themselves from thence  
 an assistance toward making their stand against  
 the Crown; and the King hoping also by Their  
 Means to be the better able to curb his Trouble-  
 some Barons. And the steps by which their  
 Parliamentary Interest grew to the full Height  
 wherein we find it, toward the Latter End of  
 H. the III, were such as These. Sometimes the  
 King wanted an Account of the Antient Cu-  
 stomes and Usages of the Realm, and directed  
 Writs therefore to the Sheriffs, to return a cer-  
 tain Number of Knights for every County, to  
 inform Him, and his Great Council concerning  
 them: This was practis'd in the Conqueror's  
 Reign †. At other times, when the People had  
 layn under Great Oppressions and Grievances,  
 the Shires were order'd to send up each their  
 Representatives, who should lay the Particulars  
 before the King and his Nobles: Such a Sum-  
 mons went out in the 15th. Year of King John\*.  
 And the same Year also there was a more Ge-  
 nerall

\* Knighton. An-  
 nal. Win-  
 ton. Chron.  
 Abendon.

† Chronic.  
 Litchfeld.  
 apud Sel-  
 den. in  
 Eadm. p.  
 172.

\* M. Par.  
 p. 239.

General Call of *Quatuor Discreti Milites de quolibet Comitatu*, *ad loquendum nobiscum de Negotiis regni nostri* †; without specifying the Particular Business about which they were summoned. Sometimes these Knights were, together with the Sheriffs, to appear in Parliament, and account for their several Shires, in relation to some Subsidys formerly granted, the Collection of which they had been appointed to take care off (∴): sometimes they were call'd up in order to a Grant; *ad providendum* (as the Words of the Writt are ∴) *una cum Militibus aliorum Comitatum*, *quos ad eundem diem vocari fecimus*, *quale Auxilium nobis in tantâ necessitate impendere voluerint*. They were to take their Instructions from a County-Meeting, where the Business of this Assembly was previously to be debated, and the Result of those Debates was to be layd before the King and his Great Council, by these special Messengers, *quos iidem Comitatus elegerint*, *vice omnium & singulorum eorundem*. By these, and such steps of these, the Commons recover'd their Priviledges, which the Norman Conquest seems to have eclyps'd a little, without extinguishing; and not onely recover'd, but enlarg'd 'em: till they came at last, about the End of H. the III. to that Heighth of Parliamentary Power and Interest which they now enjoy. And by the like steps, I question not, the Lower Clergy rose allso; bearing the Commons Company on all these Occasions, as they remarkably did in the Last Instance produc'd: where, at the same time that Præcepts went out to the Sheriffs to return *duos Legales & Discretos Milites* for every Shire, Writs went out also to the Bishops to convene the

Cl. 15.  
Joh. pr. 2.  
m. 7. dors.  
apud Seld.  
T. H. p.  
587.  
(∴) Cl. 4.  
H. 3. m. 5.  
dors.  
∴ Cl. 38.  
H. 3. m. 7.  
& 12. dors.

Clergy of each *Diocese*, and propose the Kings busyness to them, and from that *Diocesan Meeting*, to send up *certain discreet Men by them Chosen*; who should attend at the same Time and Place, and for the same Purposes that the Knights of Countys did †.

† Pryn.  
Reg. Parl.  
Wr. Vol. 1.  
p. 4, 5.

It cannot therefore be said, that the Commons were first call'd to Parliament in the 49 *H. III.*; but that they then, or there abouts, began to be Summon'd thither uninterruptedly, and to grow a fixt and necessary part of the Meeting. The Learned Advocate, I know, on the other side has doubted (and *Dr. W.* therefore is very pardonable in doubting after him) whether from the 49. *H. III.* to the 18 *E. I.* any Summons went out, because the Writts are lost. But this, I think, will bear no doubt: for that Loss is, as it happens, pretty well supply'd by our Histories; and I shall produce the Passages from thence that prove it.

The Parliament of the next Year which met after the *E. of Leicester* was slain, and the King set at Liberty, is just so spoken of as that in the 49th. *Factum est Parliamentum Magnum Wintonia* \*; and so is that in 1266, at *Kenilworth* ::, and another in 1268, at *Northampton* (::). In which Year also *Wykes's* words are, that the King conven'd all the *Prælates* and Great Men, *nec non cunctarum Regni sui Civitatum Pariter & Burgorum Potentiores confluentes pariter Plebejæ Multitudinis* (i. e. of the Commonalty of every County) *Turbâ non modicâ* †.

\* *Ann Wintonia* \*;  
verl. p. 220.  
:: libid. p.  
224.  
(::) Ibid.  
p. 222.

† *Chronic.*  
p. 85.

But more express are the words of the former Annalist, in the 1. *E. I.* when, he says, *Convenerunt Archiepiscopi, Episcopi, Comites, Barones.*

*Barones, Abbates, Priores, & de quolibet Comitatu Quatuor Milites, & de quâlibet Civitate Quatuor* \*.

\* Ann.  
Waverl. p.  
227. The  
same words

occurr also into the Annalls of Worster, apud A. S. Vol. 1. p. 499. and in Annales Monasterii Hida extra Winton. MS. Bibl. Bodl. 1891.

1274. The Assembly that met *per Evocationem Regiam*, upon E. the 1's Return into England, was compos'd of *Comitum, Baronum, & Militum Copiosa Caterva*, besides the Representatives of the City of London, & *ceterarum Civitatum, & Oppidorum totius regni* †; to wit, of such as sent Members to Parliament.

\* Wykes  
p. 187.

1275. The Statute of Westminster was made by the Assent of Archbishops, Bishops, Abbats, Priors, Counts, & *tout la Cominaltie de la Terre illonques summees*.

1282. The King's Writ to the Archbishop recites, that he had begun the War with *Lewelin, de Consilio Prælatorum, Procerum, & Magnatum regni, nec non & totius Communitatis ejusdem*. Dat. apud Rotholan. Nov. 22. regni 11 \*.

\* Regi-  
strum Pec-  
kam.

1285. *Circa festum S. Mich. rex convocari fecit apud Salopesbiriâ Majores regni sui & sapientiores tam de Civibus quàm de Magnatibus* †.

† Wykes  
p. 111.

1288. *Convocatis Edicto publico regni magnatibus—Episcopus Eli, Regis Thesaurarius, petiit Subsidium à Comitibus & Baronibus, imò & generaliter ab Omnibus Incolis regni*. Which last words are apply'd to the Commons, in the Writs † and Histories \* of those times.

† Writ of  
23 E. 1.  
summons

ad tractand cum Prælati, Proceribus, & aliis Incolis regni. Dugd. Surm. p. 10.

\* M. Westm. ad ann. 1297. Exigendo pro hac concessione ab Incolis octavum denarium. Qui mox concessus est a Plebe in sua tunc Camera circumstante. p. 430.

This Collection of Authoritys is Material, not onely as it affords us a proof, that from the 49 *H. III.* to the 18. *E. I.* the Commons continued to be Summon'd; but as it is a strong Presumption also, that they were so summon'd before it. For had they first been call'd, when the King was under a Force, and in the hands of *Simon Momfort*, as soon as that Force had been remov'd, and the King at Liberty, such a Practice, so ill begun, would certainly have been discontinu'd: whereas we find on the contrary, that the Last Eight Years of *H. the III.* and the first Seventeen of *E. the I.* afford us frequent Instances of it. And (which deserves our Notice) it then grew to be most frequently us'd, and most unalterably fix'd, when *E. the I.* one of the most Potent and Glorious Monarchs that ever sway'd the *English Scepter*, was arriv'd at the utmost pitch of his Power and Grandeur. So far is that Excellent Constitution of Parliaments, we at present live under from owing its rise to the Weakness of our Princes, and the Encroachments made by Rebellious Subjects upon their Royal Authority.

As for the Appeal made to our *Records*, it has, I presume, no manner of weight: for what wonder, if in such times of War and Confusion all the Writs of Summons to the Commons before this *Æra* should be lost? The same thing has hapned to the Writs for the Temporal Lords also; none of which Elder than this date are preserv'd: but I hope, it follows not from hence, that they were never before this Summon'd.

How Beaten a point soever this may be, I could not forbear saying something to it, as it fell

fell in my way; especially since it bears so near an allyance to the subject I am upon: For it is certain (as I have said often, and shall once again repeat) that the Parliamentary Interests and Privileges of the Commons Spiritual and Temporal ran even allwayes; or, at least, were never far a sunder: and they do therefore, when made out, mutually prove each other.

And now, having said so much in this case my self, I may the more freely venture to shew the weakness of an Argument that has been lately offer'd on the same side, by Mr. *Nicholson*. He has discover'd a Record (where indeed one would hardly look for it) in a *Dictionary*; which, he thinks, plainly proves that the *People* had their Representatives in Parliament before the *Æra* commonly assign'd; and he wonders that none who have written on this Argument, should have taken notice of it \*. To \* Hist. Lib. Ease him of his wonder, I will whisper the reason of it to him in his Ear; it was, because those Knowing Gentlemen saw it was frivolous, and not worth the mentioning. The Words, as they stand in *Somner's* Translation are,— *Consiliarii qui fuerint electi a Nobis Et a gentis Plebe in regno nostro*, &c. I have no skill in the Tongue, Mr. *Somner* had certainly a great deal, and Mr. *Nicholson* has some, if at least we may take a *Friends* † word for it. However in opposition † Pref. to both, I must beg leave to say, that either the Chronic, Original is faulty, or the Translation not proper: Saxonie. and I do this, upon very good Grounds, because it differs from the Translation which the Parliament it self made of this Record: for, as Mr. *Nicholson* ought to have known, it was publish'd by them in three several Languages, English, Latin, and French;



† P. 417.

French; and the French Copy of it we have in the Printed Annalls of *Burton* †, which were written at the very Time when this Charter was fram'd. And there the words are, *Nostre Conseil—ke est eslu par nous, ou par la Commun de nostre Reaume*. It was, it seems, at that *Oxford* Parliament agreed, that the Kingdom should be govern'd by a Council of Twenty Four, Twelve of which should be chosen by the King, and Twelve by the *Community*, i. e. by the *Baronage*, not by the *Commons* properly so call'd, as is manifest from the whole Course of the Story, and particularly from that Branch of it, where the Names of the Twenty Four are set down \*, under these Titles, *Electi ex parte Domini Regis*, and *Electi ex parte Comitum & Baronum* ‡. And not the *Electors* onely, but every one of the Twelve also, who were thus *Elected*, were *Barons*. It is sufficiently evident from hence, that the words, *Electi à Plebe*, give us no true account of that part of the Record they pretend to Translate; and that our *Historicall Librarian* therefore might have kept this Rarity to himself, and the World not have been injur'd by his Reserv'dness.

\* All but One.

‡ P. 412.

Mr. *Archdeacon* fitly puts me in mind of the point from whence I wander'd. I was proving, that there is frequent mention of his Order, as call'd to Parliament, in *H. the III's* Reign; and of this I gave several Instances: there are others, which prove the yet Lower Ranks of the Clergy to have been present there. For Example,

1229. 13. *H. III. Fecit Rex convenire apud Westm—Dominos Archiepiscopos, Episcopos, Abates, Priores, Templarios, Hospitalarios, Comites, Barones, Ecclesiarum Rectores, & qui de se*

*se tenebant in Capite, ad Locum præfixum & di-*  
*em, ut audirent Negotia memorata, & de rerum Exi-*  
*gentiis communiter tractarent ibidem* \*. By Ec- \* M. Par.  
 clesiastical Rectors here I understand, not Deans, p. 367.  
 and Archdeacons onely, but some of the Rurall  
 Rectors of Parishes; the words being employ'd  
 in this sense frequently in the Records of this  
 Reign †.

† See Pat.  
 11. H. III.  
 m. 10. a-

pud Prym Eccl. Juris. T. 2. p. 406. Cl. 32. H. III. m. 12. dors. *ibid.*  
 p. 718.

1232. A Tax is said to be given by the Arch-  
 bishops, Bishops, Abbats, Priors, & Clerici ter-  
 ras habentes quæ ad Ecclesias  
 suas non pertinent; to which  
 are joyn'd, on the Laypart, Earls,  
 Barons, Knights, and Free-men,  
 & Villani de Regno. A Learned  
 Person † says these Clergymen  
 were such as had Lands, the Fee  
 of which was in the Crown, and  
 not in the Church: and if so,  
 we must suppose 'em to be the  
 Parochial Priests of some of those Churches,  
 which upon the *Doomsday*-Survey were found to  
 have 4711 Knights-Fees in them. However that  
 may be, again five Years after this, we hear of  
 these Clerks\*: onely now the Record varys a  
 little; for the Earls, Barons, Knights, and Free-  
 men give *pro se, & suis Villanis*; whereas still  
 the Clerici terras habentes, &c. are said to give  
 for themselves.

∴ Cl. 16. H. III. m. 2.  
 dors. Which M. Par. seems  
 to have copied, where he says,  
 that at this Meeting there  
 was given the King a 40th.  
 ab Episcopis, Abbatibus, Pri-  
 oribus, Clericis & Laicis,  
 p. 318.

† Dr. Brady Introd. p.  
 220.

Between these Two we have a  
 Writ ||, wherein the Archbishops,  
 Bishops, Abbats, Priors, & alie  
 Ecclesiastica Personæ de regno are said to have  
 granted

|| Pat. 20. H. III. m. 8. in  
 tibus apud Prym, Eccl. Juris.  
 T. 2. p. 475.

\* Cl. 21.  
 H. III. m.  
 7. dors.

granted an Aid *de omnibus Fœdis suis, tam de illis de quibus nobis respondent quando Scutagium datur, quam de aliis quæ retinent ad Opus suum*: and that this was a Grant in Parliament, we learn from the *Teste* of it (which is, *May 4.*) compared with *M. Paris* in this Year, where he tells us, that *4. Kal. Maii* (i. e. 8 days before) *congregati sunt Magnates Angliæ Londini ad Colloquium, de Negotiis Regni tractaturi* †. And in the same History we are told of a Parliament *32. H. III.*, that there came to it *Edicto, Regio, totius regni Angliæ Nobilitas*; and among them, Bishops, Abbats, Priors, & *Clericorum multitudo copiosa*. (.)

† Ad ann.  
1236. p.  
429.

(.) M. Par.  
p. 743.

These Testimonys are, I think, sufficient to shew, that from the Conquest down to E. the I. the *Inferior Clergy* had Place, and Interest in *Parliament*; being there sometimes in Body, and as representing the Whole, sometimes in Part onely, and as entituled by their Tenures: the Lower Regulars and Sæculars appearing now and then by distinct Proctors of their own, but more frequently by their Priors and Archdeacons, particularly impower'd to that purpose. Nor matters it much, whether they were thus call'd up immediately by a Royal Writ, or by an Ecclesiastical Summons onely, issu'd out at the King's Instance; since, whether cited this way or that, the Effect of their Citation was to attend the Parliament: and accordingly the Memoirs of those times speak of them as being of the Parliament, and as acting in it. They might be summon'd often, as they sat, *Apart* from the Laity; but as they sat in Parliament, though separately; so were they call'd to Parliament, though perhaps after a different manner from the

the Laiety; and did there, together with the Greater Prelates, compose a Full Representative of the Clergy, and the first Estate of the Realm.

This meeting of the Clergy with the Parliament was at first in One National, but afterwards in two Provinciaall Assemblies. When such Synods of the Province, held concurrently with the Parliamentary Sessions, began, is hard to say: but, to be sure, they were Older than E. I. in the beginning of whose Reign they are, we find, by the Constitution of *Reading* mention'd, as Establish'd Customary Meetings: the Archbishop there, with the consent of the Synod, ordaining, *quod in Congregatione nostra tempore Parliamenti proximi post festum S<sup>n</sup>i Mich. ad Tres Hebdomadas per Dei gratiam futurum, præter Personas Episcoporum veniant duo Electi ad minus à Clero Episcopatum singulorum, qui Auctoritatem habeant unà nobiscum tractare de hiis quæ Ecclesiæ communi utilitati expediunt Anglicanæ* †.

† Constat.  
Prov. ad  
finem Lyn-  
wood. p. 25.

It appears from hence, both that the Clergy were now us'd to attend the Parliament in their Synods Provincial, and that the Parliament it self was now us'd to sit after *Michaelmas*, since it could not else well have been spoken of here as an Assembly that would at that time certainly convene. For this Council of *Reading* sat down 29 *July*, and therefore (as Synodical Sessions were then very short) rose in the beginning of *August*: at which time, there could be no notice of the approaching Parliament (not yet summon'd) but from common Custome and Usage. And the same receiv'd Custome there was also, it seems, for the Clergy at That and Other

Other times to attend the Parliament; their *Congregatio tempore Parliamenti* being not now first order'd, but spoken of as an antient and authoriz'd Practise. These Clergy-Meetings however, tho' concurrent in Time with those of Parliament, yet were not necessarily to be held at the same Place also, where the Parliament was open'd; but assembled oftentimes at some other, either in the Neighbourhood of it, or more Remote from it; as the Archbishop thought fit, or the Churches Occasions requir'd. Thus in 1290 (18. E. I.) The Parliament met after *Michelmas*, at *Clifton*†; but the Convocation, that was held concurrently with it, at *Ely*, upon the Consecration of the Bishop of that Place\*.

† See Ry-  
ley's Placi-  
ta Parlia-  
ment p. 63.

\* *Wikes* ad  
ann.

And what the Form of the Archbishops Summons to these *Parliamentary Synods* was, we may learn from a *Procuratorium*, relating to this very Meeting at *Ely*; the most Antient Instrument of the kind I have ever seen: and by it the Proxys sent have power *ad tractandum vobiscum & aliis Venerabilibus Patribus suffraganeis Provinciae Cant. ac etiam totius Cleri Procuratoribus in Civitate Eliensi, super his quæ Dei honorem & publicam Utilitatem respiciunt, & ad consentiendum hiis quæ ibidem ad pacem & consolationem Ecclesie, Dominique Regis & Regni Angliæ, Cleri Communitas inspirante Deo providebit* †. The first part of which seems to refer to this Assembly, as a Synod of the Province; and the Latter, as a Convention of the Clergy, held for State-Ends, in time of Parliament.

† Regi.  
strum Hen-  
rici Prio-  
ris. f. 146.

Thus stood matters, when the Clause *Premunientes* was first inserted, and by it the Clergy of both Provinces were again call'd Nationally to Parliament

Parliament, and requir'd strictly to attend at the very Time and Place at which the Parliament assembled. How this Clause was executed upon the Inferior Clergy, and obey'd by them, and what Interest it gave them in Parliament, has been already consider'd so fully, that I need enter into no New Account of it.

But here, in the very Entrance of this Period, a famous Interruption of this New Practise happened: the whole Body of the Clergy fell under the Displeasure of the King, were put out of his Protection first, and out of his Parliament afterwards; and a Great Council of the Realm was held, *Excluso Clero*, without summoning any One of the Spirituality to it. This Instance some Modern Writers, willing to reduce the Parliamentary Interest of the Clergy as low as they can, are very full of; and Dr Wake, among the rest, has very amply †, and often dilated upon it: nor does it seem to have been rightly understood, even by Those \* who on the Clergy's behalf have undertaken to account for it. For which Reasons it will, I hope, be no unacceptable Entertainment to the Reader, if I digress so far as to set this Piece of History in a Truer Light than it has hitherto appear'd; and shew, that neither were the Clergy in this Instance to be blam'd so much, nor was the Exclusion of them carry'd so far, as is commonly imagin'd.

Edward the First was the most Expensive Prince that perhaps ever sat on the *English* Throne, and had by his Large and Frequent Demands almost exhausted all his Subjects; particularly those of the Spirituality, upon whom the Burthen still fell heaviest. His *French*,  
*Welsh*,

† P. 232,  
233. from  
p. 348. to  
355.

\* Grand.  
Quæst. p.  
182. Hey-  
len Refor.  
Justify'd,  
&c.

Welch, and Scotch Wars, and Voyages to the Holy Land, in some of which he was constantly engag'd, putt him upon asking supplys every Year of his Reign, and upon extorting 'em sometimes, when deny'd, in a very Arbitrary and Illegall manner: and in these Demands he still grew upon the Clergy, so that in his 22<sup>d</sup>. Year, he had no less than a Moiety of their Goods at once; which single Levy *Joh. de Eversden* †, a Cotemporary Writer, reckons to have amounted to 100100*l*. A vast Summ, for those times, to be rais'd, in One Year, upon any One Body of Men, and indeed upon any One Kingdome! Nor was the Summ more Extraordinary, than the way of procuring it. The King first seiz'd all their Wool, and all the Wealth that was layd up in any of their Churches or Monasterys: then calling 'em together, came himself in Per-

† MS. in  
Off. Arm.  
ad ann.  
1294. §.  
314.

† *Knighton Col.* 2501.  
*Joh. de Eversden thus relates the Story, — Rex tūm Precibus, tūm Exhortationibus, tūm etiam Comminationibus præmissis Universos & singulos Angliæ Prælatos cum Clero, nec non & Religiosos omnes possessiones obtinentes — ad præstationem Medietatis omnium bonorum suorum Spiritualium ac Temporalium — compulsit & violenter induxit.*  
§. 314.

‡ *Knight. Ibid. Wikes ad ann.*

.. *Kn. col.* 2502.

.. *M. Westm. ad ann.*

*Half*, who had already *All* under his Custody:

and

son to them, and demanded Half of their Moveables † (rightly so term'd, at present; for he had taken 'em violently out of their Owners hands, and put them safely under Lock and Key, in his Own Treasury at London \*). Upon their demurring a little, they were threatned to be put out of his Protection:; and a certain Blustering Knight stood up:; and bad the Man amongst 'em, who durst dispute the King's Demands, come forth, that they might know him, and use him as he deserv'd. It was to no purpose for Them to pretend to deny him



and therefore at last they consented to it; and took out Letters of Protection, directed *Capitaneis Marinariis, & iisdem Marinariis*, &c. who, it seems, at the beginning of the Dispute, had been sent to quarter upon them. The form of the Writ to those *Captain-Mercenaries* is very remarkable, and to be seen among Ryley's Records †; who also gives us an account of near † P. 462. 300 Letters of this kind, that issu'd out for the Regular Prelats only. The very next Year to this, the King demanded a *Third* \* of that *Half* \* M. West. that was left; and was, with great difficulty, pp. 425, and after a long Contest, prevail'd with to accept the *Disme* \* which they offer'd him. Wearied with these Exactions, and foreseeing no End of them, the Clergy resolv'd at last to take refuge in the Pope's Authority (as oppress'd Men will seek Relief at any hand, where it is to be had); and, by Archbishops *Winchelsey's* means, procur'd a Bull from Pope *Boniface*, forbidding them to give any further Aids, without Consent of the Holy See: and upon this Head, excus'd themselves in a Parliament held the next year at *St. Edmundsbury* †; where he again demanded † Nov. 3. a *Fifth*, after having (in Dr. Wake's Quaint Expression) accounted his Circumstances to them \*: \* P. 350. and that Excuse not being accepted, referr'd themselves, for their Final Answer, to a *Full Convocation* of the Province, which should be call'd by Ecclesiastical Authority; for now they met only upon a *Lay-Summons*. Respite accordingly was given Them till *Hilary* next; and in the mean time their Stores and Granaries all seal'd up by the King's Officers, to be ready for Confiscation, if they persisted in their refusal: as they did, when on the Day prefix'd they assembled

sembled at *Pauls*, by a Mandate from Arch-  
 bishop *Winchelsey* \*, and after 8 days † fruitless  
 debate separated. Upon which they were, as  
 it should seem, prosecuted in the King's Bench, and  
 judg'd out of the King's Protection; one of the  
 Justices there, after sentence pronounced, adding

† \* Vos domini Attornati  
 Archiepiscoporum, Episco-  
 porum, Abbatum, Priorum,  
 & ceterarum Personarum  
 omnium ex Clero, nuntiate  
 Dominis vestris & dicite,  
 quod de cetero in Curia do-  
 mini Regis nulla fiet eis ju-  
 stitia de quacunque re, eti-  
 am si illata fuerit iis injuria  
 atrocissima. Justitia tamen  
 de eis fiet omnibus conque-  
 rentibus & eam habere vo-  
 lentibus, *Knighm. c. 2491.*

openly, *in terrorem*, these Me-  
 morable Words \*, " You the At-  
 tornys of the Archbishops, Bi-  
 shops, Abbats, Priors, and o-  
 ther Ecclesiastical Persons,  
 tell your Masters, that from  
 henceforth no Right shall be  
 done on their Behalf, in the  
 King's Courts, whatever Inju-  
 rys they receive; but Justice  
 shall be done upon them, at  
 the suit of any Man. After  
 this, their Lands were seiz'd,

their Goods confiscated, and their Persons sub-  
 jected to all manner of Affronts and Indigni-  
 ties.

While they were under this Outlawry, the  
 King call'd his Lay-Nobles to *Sarum*, and there  
 held a Council, *Excluso Clero*; at which high  
 Words arose, and great Heats hapned between  
 Him and his Barons; so that *Roger Bigod*, Earl  
 Marshal, when upon his refusal to go in person  
 to the Wars in *Gascoigne*, the King in passion  
 told him, *By God, Sir Earl, you shall either go  
 or hang*; made this sudden and stout reply, *And  
 by the same Oath, Sir, I will neither go, nor  
 hang* †. Upon which He, and many others,  
 left the Place in Discontent, and wearied with  
 the Kings Oppression and Tyranny (I speak the  
 Words of *Westminster* \*) held a Parliament, in  
 the

† Knight.  
 P. 2493.

\* Ad ann.  
 1297. P.  
 430.

the Marches without him. The Meeting of *Sarum* being up, the Archbishop summon'd another Provincial Council to meet at *Pauls*, in *Midlent*, 1297\*. But that too dispers'd without coming to a Temper, or pitching upon any Expedient. And thus the matter rested, till the Counts and Barons came in openly to their Quarrel, as they did in a Parliament of that Year at *Lincoln*†; jointly protesting against the King's Exorbitances, and insisting upon a Redress of Grievances. So that the King, who saw himself oppos'd on All sides, was forc'd at last to be reconcil'd to both, and to beg pardon of Both together; as he did, even with Tears, when he restor'd the Archbishop to his Temporaltys, on the 14th. of *July* † afterwards. And this struggle finally ended in a Confirmation of the Great Charter, and the Charter of the Forests, enlarg'd by a new Article, which provided, that no state for the future should be tax'd separately, but only by Common Consent of Parliament.

This is a faithful and full account of that Transaction between the King and his Clergy, which Dr. W. neither like a good Historian, a good Churchman, nor a good *Englishman*, has so represented, as if the Clergy had been altogether blameable, and the King had done nothing but what the Laws of the Land allow'd of. But in all

\*Vide Procuratori-umSubprioris & Capituli Bathon, apud *Pryn. Parl. Wr. Vol. I. p. 218.*

† Rex indixit Parliamentum apud *Lincoln* in Octavis S. Joh. Bapt. in quo orta est dissensio inter ipsum & quosdam Comites & Barones regni, quod tam Clerum quam Populum intolerabili onere conhabatur opprimere. Petebat enim iterum a Clero medietatem omnium bonorum suorum, a Laicis vero sextum Denarium. Responderunt ergo Comites & Barones, sine assensu Archiepiscopi Cant. & totius Cleri tam onerosam & importabilem Exactionem se nullo modo subire. Sed petebant instanter bona potius Ecclesie Sanctae, & sua, injuste à Regis Ministris communiter capta indilate restitui, & Articulos & Punctos in Magna Charta contentos de cætero observari. *Eversden*, ad ann. 1297.

† *Westm. ibid.*

that vast Heap of Mistakes, his Book, there is not any one Particular, further from Truth than this, or less becoming the Pen that it comes from. They were faulty indeed in applying to the Pope: but it was an Error of those times, when the Pope's Power over the Clergy was thought very great, and carried very far, even by the Consent of the Laity. Besides, never Men could be more tempted than they were to make use of this Extraordinary Remedy. Accordingly they were so far from being blam'd by their Country for procuring this Bull, that the Great Men all stood by them in it, and publicly approv'd it. For so I find it recorded in a List of *Grievances*, which were by the Lords Spiritual and Temporal presented to the King a Year or two afterwards, and enter'd in a Register of that time, together with the *Answers* to Each, as in a *Roll of Parliament*. At the close of these, the Prelats excuse themselves from consenting to the Contribution desir'd, by reason of the Bull of Pope *Boniface*; to which the Answer annex'd is, *Non placuit Regi, sed Communitas Procerum approbavit*. However, allowing 'em to have done amiss in this Application, yet nothing that they did afterwards needs an Excuse: Their Refusal to comply with the King's Excessive Demands, was not only faultless, but honourable; and the Proceeding against them upon that refusal was altogether Illegal and Barbarous. For we must not think, that this sentence of Outlawry was built on any Legal Forfeiture they had incurr'd, by adhering to the Pope against the Crown; no, it was founded purely on their denying to supply the King, according to his Demands: for three years before

before this, when they delay'd to grant the.

Majesty ask'd, he *threatned* † to do, what he † Audiens  
actually did now [to put them out of his Pro-Rex indig-  
tection]; and Then, the Prohibitory Bull of natus est,  
Pope Boniface was not in being. & per suos  
satellites

commina-  
tus est, se extra Protectionem suam Clerum velle ponere, nisi medieta-  
tem omnium bonorum concederent. Knight. c. 2502. So also Everſden,  
before cited.

It would be some Mitigation indeed of the  
severity of this Process, if it had been, as Dr.  
W. would persuade us †, carried on in Parlia-† P. 351.  
ment. But that is highly improbable, and in-

consistent with the best accounts we have of  
those times. The Barons, it is plain, were now  
very uneasy under the King's Exactions; and it  
is not credible therefore that They should joyn  
with him in oppressing the Clergy: nor had  
they, for ought I can find, any Opportunity of  
doing it: For the Clergy were put out of the  
King's Protection Jan. 30 ||

1297; which was long after the  
Parliament of St Edmundsbu-  
ry was up; and before the  
Council of Sarum was called.

Nay 12 days before this Council,  
the Sentence was not only pro-  
nounc'd, but executed, even in  
the remote parts of England: for the Writ of  
Seizure to the Sheriff of Worcestershire bears  
date Feb. 12 \*.

And this agrees  
very well with the Observation  
made by the Writers of that  
time, that the King's Army  
was beat in Gaseoign, on the

same day that the Clergy were outlawed here in

Y 3

|| 310. Cal. Feb. tale fuit  
Regis Consilium quod præ-  
ciperet præscriptam duriti-  
em fieri contra Clerum. Ann.  
Wigorn. apud Angl. Sacr. Vol.

B. p. 320.

\* Held Nov. 3. 1296.

\* Which met Feb. 24. 1297.

\* Vid. eisdem Ann. Wigorn.

ibid.

§. Everſden, Knighton, West-  
minster, Ann. Wigorn.

England:

† P. 429.

\* Col. 249.

\* Ypod.  
Neutr.|| Rex Ang-  
liz Ed-  
wardus in  
crastino  
animum  
apud

Sum. Edmundum Parliamentum suum tenuit, & vocati ibidem vene-  
runt per Regias Literas Prelati & totus Clerus. Sed quoniam Clerus vo-  
catus fuit ibidem ad mandatum regis, & non auctoritate Ecclesiastica, no-  
luit ibidem finaliter respondere. Sed prorogata dies fuit quoad Clerum  
usque in Crastinum S. Hilarii. A Laicis tamen ibidem duodecimam par-  
tem bonorum suscepit, &c. In festo vero S. Hil.—Rex petebat à Clero  
tunc Londoniæ eadem causa congregatis auctoritate Ecclesiastica Auxilium,  
&c. Excerpta è Chron. MS. Basil. Comit. apud Angl. Sacri. Vol. 1. p. 51.

Generalis Convocatio Cleri facta est apud Londoniam in Octavis S. Hil.  
ad tractandum de pace Sanctæ Ecclesiæ, John. de Eversden MS.

The Sentence of Excommunication denounc'd by the Bishops and Clergy in  
Convocation A. D. 1298. (see it Speelman Council. Vol. 2. p. 428.) style  
this meeting. Quondam Convocatio Prælatorum & Cleri London celebrata  
post Festum S. Hil. A. D. 1296. The Writ also for summoning it (see it  
Registr. Winchelsey fol. 295.) the Returns to that Writ (see One, Registr.  
Henr. Priors fol. 70.) and the Procuratoria drawn in relation to it (ibid.)  
mention a Meeting of the Clergy alone, without any the least intimation of a  
Parliament.

lary any otherwise than as a Provincial Council  
of the Clergy; agreed upon indeed in the pre-  
ceding Parliament of St. Edmundsbury, but not  
held concurrently with any Session of it. Nor  
is there a Writ of this date, either of Summons,  
or Prorogation, in our Rolls, or Registers. So  
that the word, *Parliamentum*, in these two Hi-  
storians,



florians, must be taken loosely, and in the same Latitude that it is made use of at this very time, by Westminster †, and E-

versden †, when they apply it to the Barons Voluntary Meetings, without, and in Opposition to the King's Authority. Accordingly we may observe, that in the Precept to the Sheriff for-seizing the Estates of the Clergy (by me lately mention'd) there are no

words that imply the Sentence to have pass'd *de Consilio Baronum*, or to have had the Consent of Parliament. It says only, *Propter aliquas certas Causas Tibi precipimus quod omnia Laici Bada totius Cleri in Ballivâ tuâ—sine dilacione capienda in manum vestram*, &c. † and by the Tenor of it one would guess, that it was a mere Arbitrary Command of the Prince, not built on any Judicial Process whatever. I have been very Liberal therefore in allowing that it might spring from a *Judgment in Court* (led to it by some Expressions that look that way in the Relations of *Thorn*, and *Knighton*): However the Judge who pronounce'd it, will not be excus'd by this allowance; for he pass'd an Unrighteous Sentence in a very Infamous Cause, and nearly prostituted the Law, to gratify the King's Resentments. For which reason we may be sure, that Sir Roger Brabazon \* was not the Man, \* Dr. W. as my Lord Coke too hastily thought; for He was too Great and Good a Person, to be em-

† Barones Angliæ Parliamentum suum per se statuerunt ad ann. 1297.

† Comites & Barones tenuerunt Parliamentum suum apud Northampton, de discordiâ orta inter Regem & Ipsos. ad ann. eund.

† Annal. Wig. p. 520

and yet mistakes both the Name of the Person and his Office; there being no such Judge at that time as Robert Brabazon; and the Person he means being either second Judge, or Chief Justice of the Common Pleas (as Dr. W. will have him to have been) if Dugale's Chronica Juridicalia



ridicula may be relied on. The Dr. it seems, found there Justitarius ad Placita coram Rege, and Justitarius de Banco, oppos'd to one, another; and wisely thought, that the first of these signifi'd the Common Pleas, and the second the King's Bench; just as they founded.

† P. 520. employed in such Vile Offices. No, it was John de Mettingham, a Clergyman, who utter'd those words, as the Annals of Worster expressly tell us †; a fit Instrument, to be made use of in the Oppression of his Brethren! For look through all our History, and you shall find, that wherever the Clergy have sin'd under any Great Hardship, some of their Own Order have been still at the bottom of it; without whose Helping Hand, the Rights and Priviledges of the Church never were, and never would be invaded.

Thus much, to take off the Aspersions, with which Dr. W. has loaded the Clergy of those times, very Indecently, and Untruly. Their Conduct I do not in every respect pretend to justify: However, I think it capable of a Fair Excuse, if their Circumstances be consider'd. And accordingly I observe, that among all our Historians of Note, Antient or Modern, there is not One, that I know of, who has thoroughly taken the King's part in this Dispute; none, I dare say, that has represented it so much to the Disadvantage of the Clergy, as this Gentleman of the Function has done. And yet several of these were Laymen; particularly Daniel, the most sensible of the Moderns, calls the King's Proceeding in this Case, a strain of State beyond  
† P. 194. any of his Predecessors †. It was a Debt I ow'd to Truth, to set this Story right; and I would have done it, had Jews or Heathens been the Subject of it. Whatever the Popish Clergy's faults were, yet want of Love to their Country

was none of 'em; the true Interests of which they understood, and espous'd generally, and were ever fast Friends to the Libertys of it. They were bad Christians, but good Englishmen; which is more than can be said for some of their Successors, who, with a Purer Religion, have been worse Members of the Commonwealth than They. Their Dependence indeed on a Forreign Head mislead 'em in Church affairs; but against the Exactions and Usurpations even of the Pope himself in Civil Matters, none declar'd more loudly, or made a more vigorous stand than They. *Matthew Paris* is an Instance of this kind, worth our notice; who, tho' of a Monastery that ow'd all its Immunities and Exemptions to the Pope, yet takes the English side all along against Papal Encroachments: and his Works therefore (the best part of our History) are a mere Satyr on the Court of Rome; written indeed, not in the mannerly way of later times, but however with a Spirit of great Honesty and Freedom. Disinterestedness, a Love of Truth, and a Generous Concern for the Publick shine through every Page of him: Qualities, which it were well, if some Modern Historians, who have spent a great many Popular Invectives against *Monks*, and *Monkish* Writings, had been pleas'd to observe, and imitate, Their Works (as well as Persons) would then have been in much greater Esteem with the Age wherein they liv'd, and have had a much surer Title to the Applause of Posterity. If what I have said of the Popish Clergy be suspected any ways, my Lord Gize will vouch for the Truth of it; who, with great Candor and Justice, observes of that very Reign we are upon, that "Allbeit divers Judges  
" of

" of the Realm were Men of the Church, as  
 " Briton, Martin de Pateshull, William de Raleigh,  
 " Robert de Lexington, Henry de Stanton, and  
 " many others; and that the Honourable the  
 " Officers of the Realm, as Lord Chancellor,  
 " Lord Treasurer, Lord Privy Seal, Master of  
 " the Rolls, &c. were in those days Men of  
 " the Church; yet they ever had such honourable  
 " and true-hearted Courage, as they suffer'd  
 " no Encroachment by any Forreign Power upon  
 " on the Rights of the Crown, or the Laws and  
 " Customs of the Realm †. Among so many  
 " Excellent Persons, what wonder is it, if a false  
 " hearted Clergyman or two were found; true  
 " neither to the Libertys of their Country, nor  
 " the Interests of their Order? Every Age, and  
 " every Body of Men has had (and will have)  
 " its *Jahn de Metingham's*; it is enough if the  
 " Age, and the Body they were of has constantly  
 " abhorred them.

† Upon the  
 Stat. of  
 Westm. I.  
 cap. 51.

From what has been before related, it appears  
 that this *Exclusion of the Clergy from Parliament*,  
 so much talk'd of, is as much misunderstood:  
 for, in the first place, That was really no *Parliament*  
 from whence they were excluded, but a  
*Colloquium* or *Tractatus* only, as the Writ of  
 Summons † expressly calls it. And the common  
 Opinion, that this hapned at the Parliament of  
 St. Edmundsbury, in *crastino Annularum*, is a com-  
 mon mistake; for the Clergy were certainly both

† Dugdale  
 Summon.  
 p. 18.

∴ Dugd. p. 13.  
 † MS. Chron. Eccl. Cant.  
 & Everſden ante citat.

summon'd thither ∴, and present  
 there throughout the whole Ses-  
 sion ‡: But they were not so in  
 the Council of Sarum, on St.  
 Matthias's day; to which, it appears by our  
 Rolls ∴, that some particular Barons and  
 Knights

∴ Dugdale  
 p. 19.

Knights only were call'd, but not one of the Clergy. And here therefore *Knigh-*  
*ton* ||, and *Eversden* \* positively  
 fix the Exclusion; and what they  
 say, the whole course of the  
 Story manifestly confirms. The  
 Pretence for this Exclusion I sup-  
 pose to have been, the Clergys Outlawry, and  
 the seizure of their Temporalty, which was  
 judg'd a sufficient reason for denying 'em their  
 Writs of Summons. And this also seems to  
 have been the Ground of that famous Resoluti-  
 on of the Judges in *Keilway's* Reports †; where  
 it is affirm'd, that the King might hold his Par-  
 liament without the Spiritual Lords, *i. e.* when  
 those Lords Spiritual are in the case of Out-  
 laws, and under a *Premunire*, as they were,  
 when that Judgment was given; and incapable  
 therefore ( as Opinions then ran ) of their seats  
 in Parliament. But later Times, and greater  
 Authoritys have decided quite contrary; it be-  
 ing upon several solemn Debates in the House  
 of Commons, 35. *Eliz.* resolv'd \*, that a Man  
 under an Outlawry was capable of being elected  
 a Member: and what does not disable a single  
 Person from being chosen into Parliament, could  
 be no sufficient reason for shutting the whole  
 Spirituality out of it, who are *One of the Great-  
 est Estates of this Realm* †. All therefore that  
 this celebrated Instance amounts to, is, that the  
 King, having put the Clergy under an Outlaw-  
 ry, against Law and Reason, held a select Coun-  
 cil of the Laity without them, against all Rule  
 and Custom. And it must be remember'd, that  
 this was not only *Excluso Clero*, but *Excluso Po-  
 pulo* too; for neither had the Countys, Citys,  
 and

|| Col. 2492.

† Rex Parliamentum su-  
 um apud *Sarum* cum Laicis  
 ad hoc tantum vocatis in  
 die cinerum tenuit.—

† fol. 181.

\* See Sir  
*Symonds &  
 Ewes Jour.*  
 p. 518.

† 1. *Eliz.*  
 c. 1.

and Burroughs any Representatives there: and such an Instance can, I am sure, no ways prejudice the *Parliamentary Interest of the Clergy*.

To proceed therefore in our Account of it,—that is, in our Deduction of those particular Passages in our Historys and Records, which prove it all along, from the Insertion of the *Premunientes* down to the Times of the Reformation. Three sorts of these there are, that deserve to be taken notice of. *First*, Such as represent the Convocation to be a Meeting Coincident with the Parliament. *Secondly*, Such as speak of the Convocation Clergy, as of the Parliament, and in it: And *Thirdly*, Such as declare the Particular *Intents* and *Purposes*, for which the Convocation Clergy were, and were esteem'd to be, of the Parliament.

The *First* of these points, as far as Antient Practice is concern'd, our Adversarys seem to grant: or, should they dispute it, yet it has already, in the former part of this Book, by many plain Evidences and Authoritys been made good. However, since it falls once more in my way, I shall here add a few Instances of the same kind, by way of Supplement.

13 E. II. The King is said, *ad requisitionem Prælatorum & Cleri regni nostri* [then sitting] to have prorogu'd the Parliament.

† Dugd.  
Summ. p.  
108.

5. E. III. In a Bishop's Summons to Parliament, we find this Clause,—*Et quia ante hæc tempora Communia Regni nostri negotia, propter aliquorum Prælatorum & Magnatum absentiam, qui ad Convocationes & Parliamenta hujusmodi, non ad dies statutos, sed diu postmodum venerunt, frequenter retardata fuerunt, ad commune damnum Populi regni nostri; volumus, &c. quod dicto*

*ditto Crastino omnimodo sitis apud Nos ad Locum prædictum; Et præmuniat Priorum Archidiaconos & cæteros, quod ipsi similiter interfint; quia intentionis nostræ existit, quod Parliamentum illud cum celeritate quæ poterit finiatur †, &c.* † *Ibid. p. 163.*  
This implies plainly, that these Two Assemblys,

[the Convocation, and Parliament] were us'd [ante hæc tempora] long before this time, to assemble concurrently; as also (which relates to the second point) that the *Præmonish'd* Clergy, so assembling in Convocation, were yet reckon'd to be of the Parliament.

13. E. III. Mention is made of Writs then to be issu'd, One to call the Convocation of the Province of *Cant*, and the Other, that of *York*, against the Time to which the next Parliament was Summon'd \*.

\* *Abr. of*

20. E. III. The Bishops are commanded to Rec. p. 19. certify into Chancery the Names of all Aliens, their Benefices, and Values, *avaunt le jour de la Convocation de la Clergie, ou adonque à plus tard †.* † *Rot. Parl. i. e. before, or at the next Convocation, which n. 46.* was to sit with the next Parliament.

29. E. III. (Cl. m. 8. dors.) The King's Writ for a Convocation recites, that he had, *pro arduis & urgentibus negotiis Nos & Statum Regni nostri Angliæ & necessariam defensionem ejusdem regni concernentibus*, call'd his Parliament to *Westm. die Jovis, in crastino S<sup>i</sup> Martini*—and then adds,—*Et quia expedit quod prædicta negotia, quæ salvationem & defensionem regni nostri sic contingunt, salubriter & efficaciter cum bonâ & maturâ deliberatione deducantur; Vobis mandamus rogantes*,—to call the Clergy of *Cant. Prov. to Pauls, die Luna prox post festum S. Martini—ad tractandum & consulendum super præ-*

*missis —*

*missis*— T. *Rege apud Westm.* 25. Sept. The same Preamble literally recurs in the Writ of the 31. E. III. (*Cl. m. 21. dors.*), and something Equivalent to it is to be found in several succeeding ones.

1. R. II. The Clergy grant a *Xth.* on condition that the Commons give a *XVth.* † and on the other side, (8. R. II.) the Commons offer two *XVths.* on condition that the Clergy shall give two *Xths* \*. These Mutual Stipulations imply, that the two Assemblies were concurrent: They were practis'd frequently in the Entrance of this Reign (∴), but now, in this last Instance, a Check was given to them; for the Archbishop protesting, in behalf of the Clergy, that the Condition was against the Liberty of the Church, and insisting that it ought not to remain there, it was by the King's Order withdrawn. For which reason there is now no mention of it in the Rolls of this Parliament.

More such Passages as these might be brought in each succeeding Reign; but I shall content my self to step an hundred Years forwards, and produce one only out of the Continuer of the Annals of *Croyland*. In his account of E. the IVth's last Parliament \*, he tells us, that the King, *nihil a Communitate subsidii pecuniarii expetere ausus*, betook himself to the Clergy, *quasi* (adds the Monk) *semel comparentibus Prælati & Clero in eorum Convocatione, quicquid Rex petiit, id fieri debeat* †.

These, I confess, are not Direct and full Proofs of the Convocations sitting ordinarily with the Parliament, but only intimate and suppose it; and are therefore mention'd here, not so much to strengthen that point, which is other-

wise

† Registr.  
*Sudbury f.*  
44. b.

\* Registr.  
*Courtney f.*  
81. b.

∴ See Rot.  
Par. IV. R.  
2. n. 13.  
VII. R. 2.  
n. 13. VII.  
R. 2. n. 12.

\* Anno  
1483.

† P. 563.



wife sufficiently secur'd, as to illustrate and explain it. The Passages of the second sort which represent the Convocation Clergy, as of the Parliament, and acting in it, have more Weight in them: Some of these I have already offer'd <sup>.. P. 62.</sup> and shall now add several others. The Reader, <sup>&c.</sup> who considers that the very stress of the Debate lies here, and who has withal any Taste of these studys, will not, though I abound in Proofs of this kind, think me Tedious.

The first Instance I shall give, is from the *Articuli Cleri* (10. E. II.) the Preamble of which recites, *quod cum dudum temporibus Progenitorum nostrorum quondam Regum Anglia in diversis Parliamentis suis, & similiter postquam regni nostri gubernacula suscepimus in Parliamentis nostris, per Prelatos & Clerum regni nostri plures Articuli continentes Gravamina Ecclesie Anglicana & ipsis Prelatis & Clero illata, ut in eisdem assererebatur, porrecti fuissent, & cum instantia supplicatum ut inde apponeretur remedium opportunum; ac nuper in Parlamento nostro apud Lincoln, anno Regni nostri nono, Articulos subscriptos, & quasdam Responiones, ad aliquos eorum prius factas coram Concilio nostro recitari, ac quasdam responiones corrigi, & ceteris Articulis subscriptis per Nos & dictum nostrum Concilium fecimus responderi, &c. †.* Words which

shew the Lower Clergy, as well as Prelates, to have been look'd upon as of the Parliament, and acting in it; not then only, but long before also, in the Reigns of several of that Princes Progenitors; to wit, in those of E. I. and H. the III. at least, if not higher. And I the rather produce them at length (as Sir William Dugdale copied them

† Spelm.  
Conc. Vol.  
2. p. 483

them from a Cotton-Manuscript\*, and from the

\* Otho. A. 15. fol. 136.

† Raynold, f. 76.

\* See Raftal Vol. 1. p. 57.

Archbishop's Register †), because the Printed Statutes\* have given a different turn to them, and made them utterly insigni-

ficant to the purposes for which I urge them.

In the 13th. Year of this Prince, a Writ to the Archbishop † thus speaks—*Cum in Parlamento nostro ultimo apud Eborum summonio, per vestrum ceterorumque Prelatorum, & Procerum regni Consilium & Assensum, &c. X. Cleri in Provincia Eborum, XVIII. bonorum mobilium Communitatis, & XII. in Croitibus & Burgis & Dominicis nostris nobis—fuerint concessa* †.

† Registr.  
Henr. Pri.  
fol. 211.

Where we see the Clergy of that Province in which the Parliament was held, are said to have granted in Parliament; in like manner as the Knights, Citizens, and Burgesses did.

\* See it  
Raftal V.  
1. p. 100.

(.) P. 59.

In a statute of the 25. E. III. \* there is mention of a *Dism*, & *Quindism*, granted by the Commons: which is a clear proof of what I have before advanc'd (.), that the Commons *Spiritual* come often times under that Appellation; for the *Dism* here mention'd was given by the Spirituality, and the *Quindism* by the Temporality, as the Nature of the Grants speaks, and *Knigh-ton* expressly informs us||.

|| Col. 2603  
† Ibid. p.

And this Language meets us frequently in the Rolls; for again, 50. E. III. n. 168. "The Com-

\* Abr. of Rec. p. 137.  
I have not the Transcript of the Roll by me, but as I remember the French word there is *Liges Gens*—

"mons of *Trividal* as well Religious as *Sacular* Prayen\*: and in the same Parliament, n. 162.

"The Commons of the Diocese of York complain of the Outragious taking of the Bishop and

"his Clerks for admission of Priests to their  
" Bene-

"Benefices, &c. by which, as I conceive, the Commons Spiritual are most naturally understood. <sup>Ibid p. 136.</sup>

In the same Year a Constitution of Simon Islepe is said to be made, *de consilio & consensu Fratrum nostrorum in Parlamento presentium, & Procuratorum absentium* ∴ This Decree, we must believe, pass'd in Convocation; and that Meeting therefore was then esteem'd Parliamentary; for why else, should the Bishops, when acting in their Convocational capacity, be spoken of as present in Parliament?

And here also I must take notice of a Passage in that Antient Piece, *Modus tenendi Parliamentum*, I call it Antient, because Mr. Selden himself, who first discover'd it not to be of the Age it pretends, says, he saw a Copy of it in an Hand of E. the III. And indeed younger than that it cannot well be, for it would not then have been enter'd (as part of it is) in *Arundel's Register*, for a piece of real Antiquity, without any suspicion of its Forgery. And it may therefore safely be produc'd as a General Evidence of the Practise in E. the III's time, at least of the Opinion which Men then had of the Lower Clergy's Parliamentary Rights and Interests in Elder Ages. The Passages in it which concern us, are—*Ad Parlamentum summoneri & venire debent ratione Tenura sue omnes & singuli Archiepiscopi, Episcopi, Abbates, Priores, & alii Majores Cleri, qui tenent per Comitatum vel Baroniam, ratione hujusmodi tenure; & nulli Milites, nisi eorum presentia & adventus aliunde quam pro Tenuris suis requiratur; ut si sint de Consilio Regis, &c. t. Item Rex facere solebat summonitiones suas*

Z.

† The Copy that Mr. Selden (Tit. Hon. part 2.c.5.) and that which my Lord Coke (Inst. part 4. p. 4. 47.) us'd, differ'd some what from this, and from each other; but those differences are not material.

Archi-

*Archiepiscopis, Episcopis, & aliis Exemptis Personis, ut Abbatibus, Prioribus, Decanis, & aliis Ecclesiasticis Personis quæ habent Jurisdictiones per hujusmodi Exemptiones & Privilegia separatim quod ipsi pro quolibet Decanatu & Archidiaconatu Angliæ per ipsos Decanatus & Archidiaconatus eligi facerent duos peritos & idoneos Procuratores [de proprio Archidiaconatu] ad veniendum & interessendum ad Parlamentum, ad illud subeundum, allegandum & faciendum idem quod facerent omnes & singulæ personæ ipsorum Decanatum & Archidiaconatum; si ibidem personaliter interessent. Et quod hujusmodi Procuratores veniant cum Warantis suis duplicatis sigillis superiorum suorum signatis, quod ipsi ad hujusmodi Procuracionem Clerici missi sunt. Quarum Litterarum una liberabitur Clericis de Parlamento ad irrotulandum, & alia residebit penes ipsos Procuratores. Et sic sub istis duobus generibus summoneri debet Totus Clerus ad Parlamentum\*.*

\* Dacher.  
Spicileg.  
T. 12. p.  
557.

I know very well, that this Account in the *Modus*, is not suited to the exact manner of the Clergy's Summons to any Parliament, the Records of which are left us; and therefore I produce it only as a *General Proof*, that the Lower Clergy were some way or other call'd to Parliament, and were understood to have been so call'd for some Ages, at the time that this *Modus* was fram'd. My Lord Coke †, from the first Lines of what I have cited, endeavours to lessen and bring down the Parliament-Rights of the Lower Clergy; but without considering, that the same words are afterwards us'd also of the Lay Commons.

† *Ibid.*

† *Bibl. Cott.*  
*Cleop. D.*  
3. f. 12.

2. R. II. In the Register of *Selly* †, the King's Letter to the Abbat of that Monastery takes notice,

tice, that "divers reasons had been shew'd in  
"Parliament, why the payment of the Disms  
"and Quindisins, granted in the said Parliament

by the Clergy and Laity of the

Kingdom †, should be antici-

pated: and that accordingly

the Archbishop of Cant. with

the other Prelates and Clergy

of his Province had agreed to

it, as also the Archbishop of

Prelates † of his Province who

were present. But that some

of the Clergy of that Province

delay'd payment, as the King

understood, at which he much

marvell'd, and was highly dis-

pleas'd \*: And had therefore

written to the Archbishop of

York, praying, and requiring

him (in consideration of that

Agreement in Parliament, and

according to the Custom esta-

blish'd in Edward the III's time,

for the Province of York

to do always as that of

Cant. did ) to take effectual

Care that all his Clergy did

their Duty in this respect. I

have enlarged my Recital of this

Letter thus far, because, beside

the main purpose for which I have vouch'd it,

it furnishes us also with the Proof of a By-

point, which has been before laid down in these

Papers ||, that the Convocation of York was

look'd upon as under some kind of Obligation

to follow the Pattern set by that of Canterbury.

† Les dismes & quindis-  
mes à nos grantez au dit  
Parliament per le Clergie,  
& per lez Lays de nostre  
Royaume.——

† No mention of the Lower  
Clergy of York Province, be-  
cause They at that time were  
not present, but holding a Con-  
vocation at Home, together  
with all the Prelates of their  
Province, who were not Ba-  
rons of Parliament.

\* Encontre ce que feust  
acordez a nostre dit Parle-  
ment, dont nous avons  
grande merveil & despiefer.  
Et sur ceo escrivons a dit  
l'ercevesque de Everwyck  
empriant & requirant que  
consideres les choses susdi-  
tes, & coment la Province d'  
Everwick à condiz acou-  
rumez en le temps [ of E.  
III. ] attire semblablement,  
& aussi bien come ont fait  
ceux de la Province de Can-  
terbiri, &c.

|| P.46,47.

† Rot.  
Parl. 13.  
R. 2. n. 24.

\* *Rastall*  
F. 93.

The *Protestations of the whole Clergy* against Divers Bills, are mention'd in the Rolls, and sometimes enter'd at length: a manifest Evidence that they had something to do in Parliament; for otherwise, I am sure, they could have had no Pretence to *Protest* against what was doing there; nor would the Parliament have accepted, and entred such *Protestations*. These ran indeed sometimes in the *Name* of the *Archbishops* alone, but were however made *on the behalf* of their *Suffragans* also, and of the *whole Clergy* of their *Provinces*; as the Rolls † expressly speak. And this is in general to be observed, that oftentimes, in matters Parliamentary, where the *Bishops* names only are mention'd, yet it was not Their Act alone, but had the Concurrence also of the *Convocation Clergy*. Thus the Statute of the Clergy 25. E. III. \* is in the Preamble said to have taken its rise from a Petition of the *Bishops*: but if we look into the Roll of that Parliament, we shall find that the *Bishops* petition'd for themselves, *Et tote la Clergie*. And 15. E. III. n. 19. though *Archbishops* and *Bishops* only are nam'd, yet in the Note of the King's answer (n. 26.) they are call'd Generally, *Petitions of the Clergy*. This well deserves our Notice, because it gives us a true account, how the Parliament Prelates came to act in Parliament for the whole *State Spiritual*: for that being at hand always, was consulted and advis'd with in every thing that related to them; and the Result of those Debates was by the Lords Spiritual laid before the Parliament.

21. R. II. The Clergy of both *Provinces* appoint a Common Lay Proctor to consent for them

them to some Matters done in Parliament, which they could not Lawfully be present at; and the Form of the Power given by Them to this purpose in writing, is as follows. *Nos Thomas Cant. & Robertus Eboracensis Archiepiscopi ac Prælati & Clerus utriusque Provincia Cant. & Ebor. Jure Ecclesiarum nostrarum & Temporalium earundem habentes jus intereffendi in singulis Parliamentis domini nostri Regis & Regni Angliæ pro tempore celebrandis, nec non tractandi & expediendi in eisdem—Quantum ad singula in instanti Parlamento pro Statu & Honore domini nostri Regis, nec non Regaliæ suæ, ac Quiete, Pace, & Tranquillitate Regni Judicialiter justificandâ, Venerabili Viro Thomæ de Percy Militi nostram plenariè committimus\* potestatem; ita ut singula per ipsum facta in præmissis perpetuis temporibus [rata] habeantur\*.* This Instrument is by order enroll'd, and the Right therefore which the Prelates and Inferior Clergy there claim, of being of every Parliament, and acting in it, is by the King, and his Great Council, who order'd this Enrollment, admitted and affirm'd.

\* Rot.  
Par. n. 10.

2. H. IV. c. 15. The Statute against the Lollards sprung from a Remonstancè made to the King, *ex parte Prælatorum & Cleri Regni sui Angliæ in presenti Parlamento*, as the Preamble speaks: and again it is said, in the Body of it; *super quibus quidem Novitatibus & Excessibus superius recitatis Prælati & Clerus supradicti, ac etiam Communitates dicti regni, in eodem Parlamento existentes dicto domino Regi supplicaverunt* †. And at their Request, the King Enacts, *ex assensu Magnatum, & aliorum Procerum ejusdem regni in dicto Parlamento existentium*.—So that the Prelates, and Barons, the

† Constit.  
Prov. ad  
finem Lyn-  
wood. pp.  
62, 63.



Commons, and Lower Clergy are alike here said to be present in Parliament.

The Testimony of *Walsingham* also, who liv'd at this time is considerable: He appears to have been excellently well vers'd in our Records, and speaks properly always, though not Elegantly, of the matters he relates: And his Phrase, where he gives an account of any Grant, or Act of the Clergy in Convocation, usually is, *Clerus in eodem Parlamento concessit*, or *Statuit*. Of which take One very remarkable Instance. Anno 1391. (says he) *Parlamentum incaptum est intra mensem & feliciter expeditum. Nempe prater Xam a Clero & XVam a Populo concessam, multa alia sunt in Clero & Populo ad Regis Placitum reformat; & precipue in Ordine Nigrorum Monachorum, illic in maximo numero, Regis Editio, insimul congregato. Fuerant itaque ibidem etiam 60 Abbates, & Priores Conventuales, & etiam 300 & amplius Monachi, Doctores & Procuratores—Statutum fuerat etiam in eodem Parlamento, ad instantiam maxime domini Regis, ut asseritur, per clerum, ut tertium Beneficium,*

† 1337.  
Edvardus  
Parliamen-  
tum tenuit,  
in quo Ar-  
chiepisco-  
pus Cant.  
Concilio  
Cleri cele-  
brato, Regi  
Xam trien-  
nalem à  
Clero con-  
cedi obti-  
nuit. p.  
222.

1371. *In hoc Parlamento Cleri Synodus ab Archiepiskopo celebrata est.* p. 253.

1344. *Parlamentum tenuit: In eo Clerus ei concessit Xas triennales,* p. 235. &c.

To descend to Times nearer our Own. In the 21. H. VIII. The Summer before the Clergys Submission, a Letter was written to the Pope, about the affair of the Divorce, by many *Members of Parliament*, who subscribe it under eight distinct Ranks, or *Classes*; the last of which is, *Milites & Doctores in Parlamento*: Eleven of these there are, and several of 'em Clergymen; as particularly *Wolman, Sampson, Gardiner, Lee, &c.* Who seem to have subscrib'd as Members of Convocation; for *Wolman* at this time was *Prolocutor* †. And I do not see how otherwise † *MS. Conv. 1529* some of them could be reckon'd of the *Parliament*, being not, that I can find, call'd up thither, either as the King's Great Officers, or by Writ of Assistance.

I have already mention'd † a Mandate of *Bonner's*, in 1543. very observable for the way in which it is worded. There is another issu'd about two Years before this, 32. H. VIII. (the first time, for ought appears, that the Clergys Subsidys were confirm'd by Parliament): and there the Phrase differs a little; for the Prelates and Clergy of *Cant. Prov.* are said to have granted a subsidy *tam in ultimâ ipsorum Prælatorum & Cleri dictæ Prov. Cant. Convocatione apud D. Paul. Lond. quàm etiam in Parlamento hujus regniùm apud Westm. sacrâ regiâ auctoritate respèctivè tentis* †, and so again in another, dated 10. Decem. 1544. \* and in a Third of *Bishop Ridley's*, drawn 4<sup>th</sup> E. VI †. So that all along from the Time when the *Premunientes* was first interred, down to the Reformation, and below it, the Clergy assembling in Convocation have been still reputed and spoken of in our Records, and most Authentick Writers, as attending on the

† Registr.  
Bonner f.  
21. a.  
\* Ibid. f.  
66. a.  
† Ridley's  
Registr. f.  
287. b.

Parliament, being of it, and acting in it: To what Intents and Purposes they were so, and how far their Parliamentary Interest in these times extended, is to be our Third and Last Enquiry.

'Tis upon many accounts too nice a Point, to be fully and exactly stated here: Something however, as it falls in my way, I shall say of it, desiring the Reader (as I have done already on other Occasions) to remember, that I meddle not in what follows, with what *is*, or *ought to be* the Clergys Right, or Priviledge *now*; but only with what it *has been* heretofore; and that I act the part of a mere Historian, not of an Advocate.

Their Great Parliamentary Right was to *Tax themselves*, which they did always by separate Grants, and those antiently neither prescrib'd,

*.. till 32.* nor confirm'd by the Laity in Parliament. *H. 8.* When therefore in the 4 R. II. \* "the Commons  
\* Rot. Par. " proffer'd a certain Summ, so the Clergy, who  
n. 13. " (they said) had the third part of the Realm,

" would give as much, it was answer'd by the  
" Clergy; that their Grants never had been, nor  
" ought to be made in Parliament [in that  
sense of the word, by which the *Parliament* is  
oppos'd to the *Convocation*] " that neither could  
" the Laity constrain Them in this respect, nor  
" They the Laity: praying the King withal,  
" that the *Libertys* of the Church might be  
" still preserv'd, as they had hitherto been; and  
" that the Commons might be requir'd to do  
" their Dutys, as the Clergy would also certain-  
" ly do Theirs, and had always done. Upon  
which the Commons Proposal was with-drawn,  
and they granted without that Condition. And  
the

the same Motion was made again, and quash'd, after a very remarkable manner, in the Eighth Year of this King, as I have already had occasion to observe.

This Privilege they enjoy'd chiefly as to their Old Revenues, with which they were endowed before the Statute of *Mortmain*; but for what they acquir'd after that Act, they were rated together with the Laiety, notwithstanding their frequent Struggles against it. †

Another of their Great Parliamentary Privileges was, To begin Bills by *Petition* from themselves, in the same manner as the Commons did; and those Requests, when answer'd from the Throne, by the advice of the King's Great Council, grew Statutes, or Ordinances of Parliament. The Rolls are full every where of

These; which are mention'd under a distinct Head from those of the Commons, and *Receivers* are now and then particularly appointed for them \*. They came sometimes from both Pro-

vinces † jointly, but generally from the Province of *Cant.* alone; and the Style of them was—*Supplicanti vestri Humiles Oratores, Præ-*

*lati, & Clerus* † *Prov. Cant. Or Humiles & Devoti Oratores Clerus totius Prov. Cant.* †.

Vos assidue Orateurs, & devotz Prelatz, & toute la Clergie de Province, &c. ∴ Vostre Chanceliers, ∴ La Commune de la Clergie †. These

Requests for the most part began in the Lower House of Convocation; especially when they tended to the Redress of *Grievances*, in which

the Lower Clergy were most nearly concern'd: † and took it therefore to be their peculiar Province to draw up Heads of these, and propose

them either immediately to the King and Parliament,

† See *Abr. of Rec.*

15. E. III.

p. 33.

14. E. III.

p. 28.

20. E. III.

p. 51.

1. R. II. p.

163.

\* 21. E. III.

See *Abr. of*

*Rec.* p. 51.

† *Rot. Par.*

1. R. II. n.

112.

† 4. H. IV.

n. 19.

H. 4. n. 42.

|| 50. E. III.

n.

∴ 51. E. III.

n. 80.

∴

† 25. E. III.

n. 69.

Parliament, or to the Prelates of the Upper House, in order to their being propos'd in Parliament.

The Clergy further claim'd, in those times, to have no Bills in derogation of any of their Priviledges and Immunities pass without their Consent. And in favor to this Claim of theirs it was, that when such Bills were offer'd, they were enacted sometimes by the King, under a Condition, that *the Clergy should thereto agree* †; and at other times, referr'd to the Clergy in Convocation; and the Answers made by them to such Petitions reported in Parliament. Numerous Instances there are in both these kinds; I shall mention some few of them.

† Rot. Par.  
9. R. II. n.  
44.

11. H. IV. n. 70. A Petition from the Commons is thus answer'd; *Cest matiere appartient a S. Eglise—Et quant a la Residence remede est fuist parveu en le darrain Convocation.* Another Petition of theirs (7. R. II. n. 53.) thus: *The King will Charge the Clergy to amend the same.* It related to the Extortions of Ordinaries for the Probates of Wills.

18. E. I. The Commons desire Remedy *de multimodis injustis Vexationibus eis factis per Officiales, & alios Ministros Ecclesie.* The King reply'd, *Cancellarius emendet in Temporalibus, Archiepiscopus in Spiritualibus* \*. i. e. the Archbishop in Convocation.

\* Six Rob.  
Cotton  
Rem. p. 215

21. E. III. n. 48. To a Petition of the Commons about the Tithe of Great Wood, claim'd, as they say, by the Clergy, in-virtue of a late Constitution, the King's answer is; *L'archeveque de Canterbury & les autres Evesques ont responduz que tiele disme nest demandee per reson de la dit Constitution, forsque de sabbois.*

27. H. 6. n. 25. The Commons pray a Pardon, in behalf of some of the Clergy, allowing the King a Noble an head for every one of the Priests to pardon'd. The King's Answer is (what, for as much as there is no Intimation of it in the Abridgement, I shall at length Transcribe): "At the Reverence of, and for the Love and Tenderneſſe that the King hath to the Chirche, and to the Miniſters of the ſame, he woll that this Bill as to th' Impoſicion that ſhuld bate the Secular Preſts of this Roialme not benefic'd as Stipendiaries and Chauntrie Preſts, be committed to the Archbiſhops and Biſhops in the Convocations of the Clergies of this Roialme, becauſe it toucheth the Immunitie and Libertie of the Chirche, the which the King intendeth to keep without hurte or Prejudice in all wyſe. And as touching the Pardon conteyned in this Bill, in caſe the Nobles of the ſaid Preſts be graunted to him in the ſaid Convocations, then the King woll that the ſaid Pardon ſtand in his vertue and ſtrength, without fyne or fee payeing therefore, by authority of this preſent Parliament.

And when in the ſame Seſſion the Commons petition'd for the Perpetual Imprisonment of Felonious Clerks, they werẽ thus answer'd, "Forasmuche as the matter conteyned in this Petition pertaineth to Spiritualltie, the King woll that th' Archbiſhops and the Biſhops of this Roialme ſer ſuche due Remedye therẽynne as ſhall ſeeme to their wiſedom covenable and ſufficient therefore hereafter, and that the Chirche have its freedoms and Libertees.  
H. 22.

45. E. III. n. 47. The Commons ask, that the Statutes of the Priests, by Assent of the Clergy may be observ'd †. Again,

† Abr. of  
Rec. p. 114.

50. E. III. n. 46. They desire *que nul Estatute, ne Ordinance soit faite ne grantee au Petition du Clergie, si ne soit per assent de Voz Commenes; ne que vous dites Commenes ne soient obligez per nulles constitutions quilz font pur leur avantage, sanz assent de voz dites Commenes.* The Reason of which Request follows; *Car eux ne veulent estre obligez a nul de voz Estatutz ne Ordinances faitz sanz leur assent. i. e. to none, made to their Hurt and Detriment, & pur avantage de Gens Layes.* In the Kings answer, the Truth of what is here asserted, is not deny'd; but the Request and the Imputation being too general, it was order'd—*Soit ceste matiere declaree en special.*

† 13. R. II.  
n. 18.

The Protestation of the Clergy against the Statute of Provisors † runs, That they assent to no Act, made in that or any other Parliament, *in restriccionem Potestatis Apostolicae, aut in subversionem, enervationem, seu derogationem Ecclesiasticae Libertatis.*

† For an account of  
which See  
Hist. of Ref.  
Vol. 1. p.  
82.

Nay even as low as the Year 1529 or 30, I find 'em asserting their suppos'd Priviledges in this respect, and complaining of some Statutes † which pass'd in that Parliament to their Prejudice, *ad quæ facienda nec consenserunt per se, nec per Procuratores suos; neque super eisdem consulti fuerunt.* 'Tis in a Petition yet unprinted, and which I shall therefore from a Cotton-Manuscript transcribe into the Appendix †.

† See N.  
XV.

And some things have been reckon'd to be so properly of Ecclesiastical Cognizance, that even in Acts of Parliament made since the Reformation concerning them, the Previous Refo-  
lution



lution, or Concurrence of the Clergy in Convocation has been expressly taken notice of. Thus 5 and 6 E. VI. c. 12. The Learned Clergy of the Realm are said to have determin'd Priests Marriages to be most Lawful, by the Law of God, in their Convocation, as well by their Common Assent, as by the Subscription of their hands. And 1 Eliz. c. 1. allow'd not the High Commissioners to order, determin, or adjudge any matter or cause to be Heresy, but only such as have heretofore been determin'd, order'd, or adjudg'd to be Heresy, by the Authority of the Canonical Scriptures, or by the first four General Councils, or any of them, or by any other General Council, wherein the same was declared Heresy by the expresse and Plain Words of the said Canonical Scriptures or such as shall hereafter be order'd, judg'd, or determin'd to be Heresy by the High Court of Parliament of this Realm, with the Assent of the Clergy in their Convocation. And so in several other Statutes.

Beyond all this, their Consent in Parliament has also, by way of Condescension, been sometimes ask'd, and admitted, even in matters where they were not particularly interested. For 9. H. V. the whole Body of the Clergy ( under the Style of *Praelati & Clerus* ) concurr'd to the Ratification of a League by Parliament; wherein it is said, how the King *Tres Status regni, viz. Praelatos & Clerum, Nobiles & Magnates, nec non & Communitates dicti regni—ad Palatium suum Westminster—ad majorem firmitatem & robur pacis praedita; nec non propter alias causas suum statum, regnum, & regni utilitatem concernentes juxta morem & consuetudinem ejusdem fecerat convocari—Coram quibus tribus Statibus idem Serenissimus dominus Rex, &c.* made this

this Treaty be read, and They confirm'd it. n. 15.

And the very same Method, I doubt not, was practis'd 35. E. III. when, according to *Walsingham's* account, in *Parlamento Londoniis proponebatur cunctis Regni Statibus Concordia inter*

\* Yp. Neu. *Reges Stabilita, placuitque* \* *cunctis dictam con-*  
str. ad ann. *cordiam recipere & tenere* \*.

1351.

6. H. VI. n. 27. When it was Enacted, that no Man should contract or marry himself to any Queen of *England*, without the King's leave; the Record says, that "the Bishops and Clergy agree to it, as far forth as the same" "swerveth not from the Law of God, and of" "the Church, and so as the same importeth no" "Deadly Sin. \*."

\* Abr. of  
Rec. p. 589.

In all the Judgments of the Parliament 21. R. II. the Name and Assent of the *Proctors of the Clergy* is particularly alledg'd †, to countenance (as the Historian of our Reformation supposes ||) the Acts of that Meeting, wherein the whole Proceeding of a former Parliament was annull'd; and to give a *Collateral Assent*, and

† Abr. of  
Rec. p. 381.  
|| Part 2.  
P. 49.

\* L. M. P. Authority to them, as another Writer \* (not much amiss, I think) distinguishes. And thus far I can agree with Both: but when his Lordship further adds, that this is *the only time that they are mention'd as bearing a share in the Legislative Power*, I must beg leave to believe the Records before him: One of which [the Instrument of Succession in *H. IVth's* time] has been already produc'd †; and his Lordship upon a view of the Words cannot, I dare say, doubt whether the Clergy were, in that Instance, allow'd a share in the *Legislative Power*; for the Succession is said to be settled, not only with their *Consent*, but by their *Authority*.

† P. 61, 62.

Such

Such have the Instances been, in which they either claim'd, or were indulg'd a consenting Voice; and for the sake of which, as it should seem, their Summons *ad consentiendum* issu'd out all along, even after their Compleat Separation. Not that the same Reasons still continue, though the same Summons does; for 200 Years Diluse has barr'd the Clergy from acting Parliamtarily in several Instances, which heretofore they were allow'd to interpose in. Our Constitution is much alter'd in many of these respects: and (to say the Truth) it was fit, that in many of 'em it should be alter'd; and that the Parliamentary Interest of the Lower Clergy should be reduc'd (as it is) to Matters Ecclesiastical, and such Things as concern either Religion, or their Order. And in this Sphere, I conceive, they still move, and are still a Parliamentary Assembly; whose Consent is regularly to be had to all Laws, relating to Faith, or Church-Discipline, whenever the Parliament shall please to enact any; and whose consent, when Previous to such Laws, is, I presume, most Regular. They have still a Right of being summon'd *to*, and *with* every new Parliament, and a Right of sitting by virtue of that Summons; in order, not to those High Affairs of State, which they once consider'd jointly with my Lords the Bishops, when they sat with them in Parliament; and which made the Constant Preamble of their Convocation-Writs, long after they separated: but for some Religious Ends, and Church-Purposes; with which, however, the Safety and Peace of the State is closely interwoven. They are to be ready, to offer to the King and Parliament, what they shall Judge serviceable to the Interests

Interests of Piety and Good Manners; and to consider of what shall be offer'd to them; to remonstrate against what may be passing there to their Disadvantage; and to pray Help of the States, in such matters as may redound both to the Benefit of their Own Order, and to the good of the whole Kingdom. In these, and several such respects as these, the Clergy have still a *Right of Attending* on every New Parliament; and (which ought to be consider'd) the Parliament have also a *Right of being attended* by them, as their Proper *Assistants, and Counselors* in matters Ecclesiastical, whose Judgment is in many cases to be ask'd even where it may not be follow'd; and whose Resolutions are not without *Weight*, even when they are without *Authority*.

'Tis in this case, as in that of the *Judges, the Masters in Chancery, and the King's Council* learned in the Law; who have a Right of being call'd up to the House of Lords, and to that end can demand their Writs of Assistance: Nor is this all; for the Lords also have a Right of being thus assisted by them; and can therefore claim their attendance, though they themselves should be willing to forego it: The Privilege is mutual, and not to be wav'd on the one side, without Consent of the other. In like manner, I say, the Convocation-Clergy may be consider'd as the *Council Spiritual* of Parliament; to whose attendance therefore, that August Body is entitled; and in whose Summons and sitting consequently, it is in a near manner concern'd. For should there not be frequent need of their Advice or Assistance, yet as it is for the Honour of the two Houses, that the Clergy should

should be ready always, against there shall be need of it; so is it for their Interest too, to keep up a Title to such Assisting Assemblies, by keeping up the Assemblies themselves. It is possible, that there may be no occasion of advising with the *Judges*, throughout an whole Session of Parliament. Could the Lords certainly foresee this, yet they would not, I suppose, consent that their Summons should, for that time, be drop'd, or even their Attendance excus'd.

The Argument therefore advanc'd in these Papers must be look'd upon, as a Plea for the Priviledges, not of the *Convocation-Clergy* only, but of the *Parliament* it self also, to which they belong; and to whose Assemblies, Theirs, are now, and from the first settlement of Christianity among us have been, strictly united: not indeed constantly in the same Respects, and by the very same State-Tyes, and Ligaments; but sometimes by more, and sometimes by fewer; and always by such, and so many, as were needful to preserve, and prove the Union. An Account of these, regularly deduc'd through the several Periods of time, from the earliest *Saxon* Age downwards, has been the business of this Chapter: not with any Aim of retrieving lost Rights, or building New Pretensions on Old us'd Practises; but merely to shew, that the Parliamentary Assemblies of the Clergy, are of the Essence of our Government, have been practis'd from the foundation of it, and are woven into the Frame of it; and can never therefore without doing Violence to our good Old Constitution, be suppress'd.

The Ends and Uses indeed of these Conventions of the Clergy have been different; but under all those Varietys, the Right, and the Practice of Convening has still continu'd the same, without being ever, till now, interrupted, or disputed. And therefore ( to repeat here at the close of this Chapter, what I have said already at the Entrance of it ) it makes nothing against the Clergys Right of Meeting with the Parliament, that they are now no Member, or *Estate of Parliament* ( as Dr. W. objects ): since they are, however, an *Estate of the Realm*, oblig'd and entitl'd by the fixt Rules of our Constitution to assemble with the Parliament; and which has, according to this Obligation, and by this Title, assembled with it, now for some hundred Years, since all Pretence of assembling, as an *Estate of Parliament*, vanish'd.

And now, I have, I think, answer'd all Dr. W's Objections on this first Head; unless we should allow a certain poor Colour of his to pass for an Objection, where he tells us, that *Our Kings have often been wont to hold Convocations when there were were no Parliaments sitting* †: from whence he would have it understood, that those two Meetings have no manner of dependence upon one another; and that the King therefore is as much at Liberty to hold a Parliament without a Convocation, as he has been to call a Convocation without a Parliament. To this End he has adorn'd his *Appendix* with a learned List of *Convocations antiently held without Parliaments, or at different Times from them* \*: an whole Dozen of which he finds in the Compass of 240 Years

† Pp. 229.  
(286.)

\* Num. VI.

240 Years †. 'Tis a mercy, his knowledge is somewhat stinted in this way: for else, we should assuredly have had fifty Instances more of the kind; since so many at least, might, within that Compass of time, have been fetch'd from our Manuscript Registers, and Printed Historians. I could without difficulty number up the greatest part of them now, if it were either worth the Readers while to have such a List, or related any ways to the present Dispute; which turns not on the King's Prerogative of assembling Convocations out of Parliament (a Right undoubtedly belonging to the Crown in elder Times) but on the Spiritual Subject's Privilege of being assembled in it. Had Dr. W. given us a List of *Parliaments antiently held without Convocations*, That indeed had been to his purpose, and would have gone a good way towards settling the Point between us. But here he is as reserv'd as one would wish; for from the beginning to the end of his Crude Work, there is not a single Instance of this kind made out, or so much as pretended †. Nay, to see the fate of misapply'd Reading, even of those twelve insignificant Instances which he has produc'd, no less than eight are evidently mistaken, as to the Dates either of the Parliaments, or Convocations mention'd in them. The Reader will rather take my word for it, than allow me the liberty of interrupting the Course of my Argument so far, as to prove it: And I shall proceed therefore to consider and remove the several Objections that lie also against the second Point advanced in these Papers, that "the Clergy, when met, have a Right of Treating and Debating  
A a 2 "freely

† From  
1287. to  
1538.

† Except  
the True  
Instance of  
Exclus.  
Clero.



“freely about such matters as lie within their  
 “proper Sphere, and even of coming to fit Re-  
 “solutions upon them, without being necessita-  
 “ted antecedently to gratify themselves for such  
 “Acts or Debates, by a License under the Broad  
 “Seal of *England*.

## C H A P. VIII.

**I**T had been argu'd from the *General Nature*  
 of such Assemblys, as these we are treating  
 of, that *Freedom of Debate* was their undoubted  
 Right and Priviledge, incident to them as such,  
 and inseparable from 'em. To this I find these  
 several Answers return'd.

Dr. W. assures us, that the Debates of the  
*most General and Famous Councils* have been un-  
 der as great Restraint as he supposes the *Convo-*  
*cation* to be †.

† P. 288.

L. M. P. adds, that *Poyning's Law* has ty'd up  
 even a *Parliament* in *Ireland* as strictly †: and  
 the Author of the *Postscript* ∴ fetches a third  
 Instance from *Scotland*, where the Three Estates,  
 he says, can debate of nothing, but what the  
*Lords of the Articles* have beforehand agreed  
 on ‖.

† P. 44.  
 ∴ At the  
 end of a  
 Book, en-  
 titled---  
*An Essay*  
*concerning*  
*the Power*  
*of the Ma-*  
*gistrate*, 8°. 1697.

‖ P. 198.

As to the first of these, supposing Dr. W's Al-  
 legation true, yet he has been told, that there is  
 no arguing from the Powers claim'd, or exercis'd  
 by Emperors in those Great and Extraordinary  
 Assemblys, to what is fit to be done in lesser and  
 stated ones: and why such Inferences do not  
 hold, some Reasons have been given him, which  
 I need not now repeat. But in truth he mistakes,



or misrepresents the Practise of the Emperors, even in these General and Famous Councils, which (I have shewn him p. 125, 6.) went no further, than to require a preference to that Particular Business for the Dispatch of which they were Summon'd, not to exclude their debating on any thing, but what the Emperor propos'd to them. And of this the *Canons* of those Councils are an Evidence beyond Dispute; which, both as to Matter and Form, took their Rise from the several Synods they were made in, without any Imperial Leave, or Direction for the framing them. With what Face then can Dr. W. vouch the Practise of these Councils as Precedents for that Degree of restraint he would have laid on an *English Convocation*? With what Truth or Conscience can he affirm, that they acted intirely according to the Prescription of the Emperors? † and deliberated on nothing, but † P. 282. what they were directed, or allow'd (he means expressly, and particularly allow'd) by the Prince to deliberate on †? Whatever our Author may † P. 48. think of such Doctrine Now, or whatever he may Hope from it, sure I am, that had he liv'd, and utter'd it, while those Holy Synods were in being, it would not have been two or three Years afterwards before he had repented of it. But Old Councils are Dead and Gone; and any thing, it seems, may be said of them. Let him not depend too much upon that: for they have Friends still in the World, that may happen, yet before he dies, to meet together, and ask him a few Questions. A living Synod may sometime or other think it for its Interest, and find it in its Power, to vindicate the Honor and Authority of the Dead ones.

Well, if Old Councils cannot afford a Precedent, Modern Parliaments shall. *Poyning's* Law therefore is urg'd, which provides, "that  
 "All such Bills as shall be offer'd to the Parliament of *Ireland*, shall be transmitted hither  
 "under the Great Seal of that Kindom; and  
 "having receiv'd approbation here, shall be  
 "sent back under the Great Seal of *England*, to  
 † *L. M. P.* "be preferr'd to the Parliament of *Ireland* †.  
 P 44. But what have we to do with Instances fetch'd from *Conquered Country*s, who must receive what Terms the Victor pleases, and be glad of any? We live among another People, always Jealous of their Libertys, and careful to preserve them: in a Land, where slavery either in Church or State, though sometimes planted, could never thrive. And those Fetters therefore, which might perhaps justly be laid on an *Irish* Parliament, may not fit an *English* Convocation so well; which is therefore free, because it is an *English* one. But after all, how far does this Law of *Poyning's* reach; Our Lawyer tells us, that it leaves not the Parliament at Liberty to propose what Laws they please, that the *Irish* look upon it as Conclusive upon their Debates, and are satisfy'd: and again, that we have here an Instance of a Parliament without Liberty of Debate. But this is too gross an Imposition upon the Credulity of his Readers; few of which are so ignorant, as not to be aware, that *Poyning's* Law lays a restraint only on the Enacting Power of their Parliament, but not on the Debates of it; which, notwithstanding this Act, are left as free as ever. They can still Treat and Confer about all Matters and Causes that are of Parliamentary Cognizance; they can Petition, Represent, and

Pro

Protest: Nay they can propose what *Heads of Bills* they please, to be transmitted hither, and sent back thither in Form; of which we have had very late and frequent Experience. And how therefore the Abridgment of the Convocations Liberty of Debate can be pretended to be justify'd by this *Irish* Precedent, is, I confess, past my *English* Understanding. For, as I take it, the Convocation desires no other Powers and Privileges, but just what this Parliament claims and practises; and pleads only, that the 25 *H. VIII.* may not be extended to such a Rigorous and Unjustifiable Sense, as will lay greater restraints upon *Them*, than *Poyning's* Laws does upon Those of *Ireland*.

But our Letter-writer himself is sensible, that this Instance is not to the purpose: for at the close of it, his Conscience gives a little, and he is forc'd to confess, that the *Irish* Parliament are not under an *Universal Restraint*, nor wholly mute, till the King gives them Power to Debate and Act. Are they not? Why then was it generally said, that they were a *Parliament without a Liberty of Debate*, or of proposing what Laws they please, in the very next Lines to these, where it is all unsaid again? What means this Absurd Writer, to place his Inconsistencies so near one another, that one Glance of the Eye discovers them? Even *Dr. W.* is in this respect a more Modest and Wary Manager: for His Contradictions usually keep their Distance, and may be hid therefore, if the Reader do not think it worth his while (as few Readers do perhaps) to carry the several parts of his Book in their mind, and compare them one with another. Besides, if the *Irish* Parliament is not under an *Univer-*

+ P. 44.

sal Restraint, what have we to do with it here; where we are enquiring after Instances, to countenance the laying such an Universal Restraint on the Convocation in *England*? If this be not a Parallel of a Restraint in the *same Degree*, it is no parallel at all: there is no doubt, but such meetings may be restrain'd; *how far*, is the Question. Were Precedents Proofs of the Reasonableness of such and such ways of acting, yet those Precedents must be exact and full, or they prove nothing. Ay, but *the same Power that disabled them so far, might have put them under an entire disability*. It might so, if they were a Province won to the Crown by its Sword; for it might have allow'd them no Parliament at all: but if it allow'd them any, *Freedom of Debate* could not have been deny'd them; without which, in the Apprehensions of Us *Englishmen*, there can be no Parliament. 'Tis true, the *French* use the word otherwise: for with Them it signifies an *Assembly*, to which the *King's Edicts* are sent to be verisfy'd. But we are not yet acquainted with this Sense of the Word, and I hope never shall. We took the Term from them heretofore, when it signify'd something else; and we have taken care to preserve its Original Meaning. Dr. W. indeed bids far for introducing the *French* sense of the Word; for he tells us roundly, **That the English Parliament are, in the main parts of their Debates as much, though not as necessarily directed by the King in what he would have them consult about, as the Convocation it self.** And how far the Convocation is, in his Opinion, to be directed by the King, his Book informs us. This is harsh Doctrine, to suppose any restraint

straint upon the Parliaments Freedom of Debate, and may happen not to go down easily with Those that are concern'd in it. But he thinks he has soften'd it, by saying, that the Parliaments are in their Debates *as much*, though not *as necessarily* directed as the Convocation. What the meaning of that senseless Distinction is, I cannot see, or how it does him any service. Should we allow him, that his Doctrine curbs the Parliaments Freedom of Debate *as much*, though not *as necessarily*, as it does that of Convocation, would such an allowance mend the matter? or screen him a whit the more from the Just Resentments of Those, who will no more bear being told, that they are *as much*, than that they are *as necessarily* directed in their Debates, as the Convocation is? if indeed the Convocation can debate of nothing, till they are qualified for it under the Broad Seal of *England*. I am mistaken, if this be not, to wound the Liberties of Parliament, through those of Convocation.

The Instance of the *Lords of the Articles in Scotland* is as little to the purpose. They were a Previous Committee, compos'd of some Members of the Estates of Parliament, thro' which every Act was to pass, before it could come before the States themselves. But they were no bar upon the Debates of Parliament; where any Subject might be started and discuss'd, any Requests or Proposals to the Prince might be drawn, whether these Lords had made way for such Considerations or no. However, the check which this gave to the Parliament in their Legislative Capacity, was thought a Badge of slavery by the *Scotch*; and therefore towards the beginning

ginning of this Revolution, when the Chains were knock'd off every where from his Majesty's Subjects, this Committee was abolish'd. And had the *English* Clergy then lain under any undue Restraint, They too might have hop'd for a Relief from it, as soon as any men, since none had been more Instrumental than They in promoting the Common Deliverance. They might have expected a legal Relaxation of the Rigor of any Law that lay hard upon them: but instead of this, their only Request is, that an Act made in Abridgment of their Privileges may not be construd to an Illegal and Oppressive Sense; that they may enjoy their Old Rights, which they stand possess'd of by Law; and that no New Encroachments may take place upon them. Which is so very Modest a Plea, as may be made by any Body of Men, even without Merit on their side; and cannot when understood, be deny'd them without Injustice; and therefore, I am confident, when it is understood will not be deny'd them.

Having taken off this General Colour, drawn from the Authority exercis'd over such Meetings as these, in other Times and Countrys, I go on now to what has been objected more particularly and closely. And the first Exception of Weight that lies against the Claim made, is,

† *Pref. p. II.* That the *Perpetual Prallise* of Convocations, pp. 26, 40, ever since the 25 *H. VIII.* runs otherwise: and 43, 109, this indeed, were it true, would be a strong one. 113, 115, And if General Assertions without Proofs would 116, &c. have made it true, Dr. W. had done it: for he 293. has over and over † affirm'd this to be the case, *L. M. P.* with as much assurance as if he had perus'd the p. 40, 43, Journals 3c



Journals of every Convocation since that Act, and seen the King's several Commissions enter'd there. By that time he is got to the second Page of his Preface, we have him affirming, that the Sense of the Act given is *repugnant to the Constant Practise of our Convocations ever since the time of H. VIII.* This is certain, he says, *nor does he Himself* (against whom he writes) *deny it.* Indeed 'tis just as certain, as it is that that Writer yields it; who says only [in answer to a Question there put, *whether the Convocation may conferr without a License?*] that the *Common receiv'd Opinion is in the Negative* †. But not a word has he there, or any + P. 40. where else, about the *Practise* consequent upon that Act: and he speaks only of the *Opinion at present receiv'd*, without entring into the Judgment of Elder times. So that Dr. W. represents his Adversarys Positions just as honestly as he argues against them. Indeed should that Author have allow'd the stream either of *Practise* or *Opinion* to have been always contrary to his sense of the Act, he had been (as Dr. W. now is) under a Gross Mistake; for it is certain, that both General Opinion and *Practise* were on his side for many Years after the Act pass'd. Upon a strict Enquiry into the matter, I find no Instance of a *Commission to treat*, that is not Threescore and ten Years younger than the Statute it self. The several Convocations in the 12 last years of H. the VIII. those of E. the VI<sup>th</sup>. of Q. Mary, and Q. Elizabeth all, for ought I can find, acted without any such Commission, or License in writing; and the first time we meet with it on Record, is, in 1603, when King James's first Synod met, to settle the Discipline of the Church,

in

in that Body of Canons, which at present obtains. Nor is there any *Opinion*, I believe for the Necessity of such a License, elder than this Practise: at least I have not had the good fortune ever to meet with any, though I have diligently sought for it. 'Tis true, the Registers of most Convocations, summon'd since this Statute, were lost in the Fire of *London*; however large Extracts out of several of them are preserv'd, and compleat Transcripts of some: and in none of these is there the least Footstep of any License under the Broad Seal to be seen, but very plain Intimations to the contrary; as I shall now by some Remarkable Passages taken from thence, and from other Books and Papers of good Authority shew. And if I am somewhat larger in my Recitals of this kind than is absolutely necessary, the Reader, I hope, will easily forgive me: What does not directly tend to establish my Assertion, will serve at least to give some small Light into the Methods of Proceeding usual in Convocation, which the Author of the Letter to a Convocation-man rightly observes to be little known, or minded. And Dr. Wake, who smiles at his Remark, is himself a most Contemptible Instance of the Truth of it: since he has ventur'd to write a Book, about the Customs and Priviledges of Convocations, without having perus'd the Acts of almost any One *English* Synod; and has from the beginning to the end of his wretched Performance, prov'd nothing effectually, but his own profound Ignorance of the Subject he is engag'd in.

I shall take the Rise of my Enquiries from the Convocation which sat, upon a Prorogation, Nov. V. 1532. before which the *Submission* of  
the

the Clergy was made to the King, but not yet Enacted: so that though it oblig'd them not Then as a Law, yet it bound them as a Promise; by the Terms of which, if a Commission to Treat had been then held necessary, we may be sure, they would not so soon after the making that Promise have treated without one. And yet I find no Hint of a Commission in a Diary of that Meeting, where a great many things of much less moment are set down; and where, it being the first time the Clergy met after they submitted, had any such thing been practised, we should without fail have heard of it. Sess. 11. Martii 26. 1533. this Note is inserted,—*Tunc vertebatur in dubium, anliceret disputare in Negotio Regio, eò quod Negotium pendet coram summo Pontifice indecisum.* Which Doubt the President remov'd by producing the Apostolick Brief, that gave leave *cuiuslibet Opiniones suas dicere; & Dominus Præsident instanter rogavit omnes ut diligenter inquirerent de ista questione, & reserrent quid sentirent.* They had no doubts, it seems, about the Lawfulness of Treating without a Royal License; which had they had, it would have been mention'd here together with the Papal Leave: and we may fairly therefore presume, they had none.

producing a License from the Pope, but no hint of any from the King.

See Ant. Brit. ad ann. where the very same account is given of Stokesly's

In the Convocation begun June 9. 1536. the first in which Cromwel sat as Vicegerent \*, we are told, *Comparuit Dominus Prolocutor una cum Clero, & exhibuit Librum sub Protestatione, con-*

\* The Bishop of Sarum. tells us, that "Crom-

"well came hither as the King's Vicar-General; but he was not yet Vicegerent. For he sat next the Archbishop; but when he had that Dignity, he sat above him. Nor do I find him styl'd in any Writing Vicegerent, for some-

"*Some time after this, though my Lord Herbert says he was made Vicegerent the 18th. of July this Year, the same day on which the Parliament was Dissolv'd. Vol. 1. p. 213. In which Paragraph there are great Marks of Haste: For the Acts of this Convocation expressly call Cromwell Vicegerent, as well as Vicar-General, and shew, that he both took place of the Archbishop, and sign'd before him; as he does in two Papers that pass'd this very Convocation, and which together with the Subscriptions his Lordship has given us. Vol. 1. Coll. of Rec. p. 157. p. 315. The Words of the Acts are—Magister Willielmus Petre allegavit, quod ubi hæc Synodus convocata sit auctoritate illustrissimi Principis. & dictus Princeps Supremum Locum in dictâ Convocatione tenere debeat, ac eo absente honorandus Magister Tho. Cromwell Vicarius Generalis ad Causas Ecclesiasticas, ejus Vicegerens, locum ejus occupare debeat; idem petiti prædictum locum sibi assignari. Ac ibidem præsentavit Literas Commissionales dicti Domini sui, sigillo Principis ad Causas Ecclesiasticas sigillatas, Quibus perlectis Reverendissimus assignavit sibi Locum juxta se, i. e. the Place next above himself, which he demanded. Nor does my Lord Herbert say, that Cromwell was made Vicegerent July 18th. this Year; but July 9th. (see Hist. p. 466.) which is a manifest Misprint for June 9th. the very day on which this Convocation was open'd, and on which, I suppose, his Patent bore date. Indeed, I question, whether the Powers of Vicar-General, and Vicegerent were different, and convey'd, as my Lord of Sarum thinks by different Patents, for I have seen no Good Ground any where for such a Distinction. In the Collection of Records at the End of the second Part (p. 303.) the Bishop has given us what he calls Cromwell's Commission to be Lord Vicegerent in all Ecclesiastical Causes. But his Lordship had not time to peruse it; for upon reading it, he would have found, that it was only the Draught of a Commission to certain Persons deputed by Cromwell to execute the Vicegerent's Power in several parts of the Kingdom: One of those Subordinate or Subaltern Commissions, which had respect to a Superior one, as his Lordship upon another occasion (Vol. 2. p. 347.) very properly distinguishes.*

*tinentem mala Dogmata per Concionatores intra Prov. Cant. publicè prædicata. This List is Printed by Fuller †; and in it the Clergy, by way of Preface to their Articles, Protest, That they neither in Word, Deed, or otherwise, directly, or indirectly, intend any thing to speak, attempt, or do, which in any manner of wise may be displeasing unto the King's Highness, &c. and that they sincerely addict themselves to Almighty God, his Laws, and unto their said Sovereign Lord the King,*

† P. 208.

King, their Supreme Head in Earth, and his Laws, Statutes, Provisions, and Ordinances, made here within his Graces Realms. Had any General Commission been granted them, there had been no need of this Protestation; which was made, to guard against the Penalties of the Acts 25. and 27. H. VIII. and has therefore, we see a plain reference to them.

The Convocation in which *Alesius* the Scot disputed with so much applause, sat the Year after this, Anno 1537: † (though my Lord of *Sarum* †, I find, out of a laudable Eagerness to record the Honors done to his Countrymen, has plac'd this Dispute a Year earlier than it happened.) *Cromwell* open'd the Meeting with a

† *Ant. Brit.*  
p. 331. Fox  
Vol. 2. p.  
504.  
† Vol. 1.  
p. 214.

Speech, where he tells them, that they are call'd to determin certain Controversys in Religion, which at this time be moved, concerning the Christian Religion and Faith, not only in this Realm, but also in all Nations thorough the World. For the King studieth Night and Day to set a Quietness in the Church, and he cannot rest till all such Controversys be fully debated, and ended through the Determination of You, and of his Whole Parliament. For—he will suffer no Common Alteration but by the Consent of You, and of his Whole Parliament. And he desireth You for Christ's sake, that All Malice, Obstinacy, and Carnal Respect set apart, ye will friendly and lovingly dispute among your selves of the Controversys mov'd in the Church, &c. These Fox tells us, were the very words of his Speech; and that, as soon as it was ended, the Bishops rose up altogether, giving thanks unto the King's Majesty, not only for his Great Zeal towards the Church of Christ, but also for his Godly Exhortation wor-  
thy

thy so Christian a Prince [and then] immediately they went to Disputation. We may observe here, that neither Cromwell in his Speech to the Convocation, nor the Prelates in their Answer, mention any Commission to Treat, though it had been a Proper Head to have been enlarg'd on, in both Cases; and could not well have escap'd the Clergy, when returning Thanks to the King for his Goodness to them, had any such Commission then issu'd. But that it did not, and that the Clergy were then under no Apprehensions that their liberty of Debating on what Subjects, and even of coming to what Conclusions they pleas'd, was abridg'd by the late Act, the Preface to the Institution of a Christian Man (a Book, which pass'd this Convocation) evidently shews. I have transcrib'd the

† See P. 97. Passage already from thence †, and shall here therefore only refer the Reader to it. No, the Practise then, and long afterwards, was only for the President of the Synod to declare to 'em by word of Mouth \* the King's Pleasure, for what Ends he had call'd them together, and what Business he would have them proceed upon. And this Verbal Intimation was all the Previous Leave that was either ask'd, or given in That, or several other succeeding Reigns.

\* Thus in  
the Convo-  
cation of  
Jan. 1. 1557  
The AEs  
say, that  
Card. Pool  
Causas hu-  
jus Synodi

Verbo tenus proposuit. And so divers times before, and after.

1541. Jan. 20. Reverendissimus exposuit in ex parte Regis quod intentio ejus erat, quod ipsi inter se deliberarent de Reformandis Erroribus — & consicerent Leges de Simonia vitandâ, &c.

1547. 1. E. VI. Nov. 5. Revinus exposuit in fuisse, &c. de mandâto Regio & Procerum quod Prelati & Clerici inter se consulerent de vest Christi Religione probè institutendâ.

With this agrees an Old Directory of Criminals for the first Day of the Convocation, 7 E. VI. May 1. 1552.

§. 6. "The Clergy of the Inferior House to be called up to the Chapter;  
"his Grace to declare the Cause of this Convocation, and to appoint them  
"to Eleſt, &c.

1555. 22. Oct. Episcopus London summarie & compendioſe Cauſam  
Synodi vocatæ expoſuit.

Jan. 13, 1562. Arch. Cant. brevem quandem\* Orationem Eloquen-  
tiz plenam habuit ad Patres & Clerum; perquam inter alia opportunita-  
tem reformandarum rerum in Eccl. Anglic. jam oblatam eſſe aperuit, ac  
Propenſos animos tam illuſtriſſimæ Dominæ Noſtræ Reginæ quàm aliorum  
Magnatum huius regni ad huiusmodi Reformationem habendam decla-  
ravit.

I have laid theſe Inſtances together, that we may ſee clearly, what the Cu-  
ſtom then was, and how a Meſſage from the King by the Preſident ſupply'd the  
Place of a Commiſſion under the Broad Seal, which was afterwards practis'd.  
Heylin and Fuller have tranſlated ſome of theſe Paſſages in their Hiſtories,  
but ſo looſly, as to accommodate them to the Current Doctrinæ and Practiſe of  
their time, when a License to Treat was held neceſſary. Which I mention,  
to warn the Reader, not to receive their Verſions as Literal: For it is plain,  
they ſaw no other Aſts of Convocation than thoſe from whence theſe Tranſcripts  
were taken.

The only Inſtance in H. the VIII's time that  
ſeems to contradiſt this, is the Divorce of Anne  
of Cleve in 1540, mention'd by L. M. P. \* \* P. 40.  
which he ſays, "the Clergy could not take cog-  
nizance of, till the King's Commiſſion im-  
power'd them to debate and conſider it. And  
in their Judgment therefore they recite that  
Commiſſion at large, and by vertue of it declare,  
&c. They do ſo; and there were Two very  
good Reaſons for it, ariſing from the Matter  
about which they were to give their Judgment,  
and from the Manner alſo in which they were  
to handle it. As to the firſt of theſe, the at-  
tempting any thing by Word or Deed againſt  
this Marriage of the King with Anne of Cleve,  
was High-Treaſon (or at leaſt. Miſprifion of  
Treaſon) by the Laws of the Realm; as the  
Clause of Pardon in the Act † for diſſolving this  
Marriage evidently ſhews. And the Clergy there-  
fore

† 32. H.8.  
c. 25.



fore had reason to desire a *Commission* from the Crown, to screen them from these Penalties. But further, such a Commission was necessary, not only for their security in a point of this Importance; but in order to their very *Assembling*. For (which has not been hitherto observ'd) this Cause was adjudg'd, not in a *Convocation* properly so call'd, that is, in a *Provincial Synod*; but in a *National Assembly* of the whole Clergy of either Province: the King issuing out his *Letters Commissionall under the Great Seal*

\* See it Bi- (as the Sentence \* speaks) to the Two Archbishops Bur- shops, All the Bishops, Deans, Archdeacons, and net. 1<sup>ol</sup>. 1. Clergy of England, and commanding them in Col. of Rec. *Universalem Synodum convenire*, to debate, and P. 197. determin this matter. The Lords and Commons then sitting had petition'd the King to re-

† The Commission was seal'd the 6th. of July, the Clergy met by Vertue of it the 7th. The Cause was heard, Judgment given, and Letters Testimonial of that Judgment drawn up, and sign'd by all the Clergy on the 9th. such Dispatch was requir'd of them. On the 10th. the Archbishop of Cant. reported it to the Lords and Commons. On the 11th. the King let the Queen, then at Richmond, know what was done, and had her Consent to it; and on the 12th. a Bill was brought into the House annulling the Marriage, which (says my Lord of Sarum Vol. 1. p. 282.) went easily through both Houses.

ferr it to his Clergy, with a design of grounding an Act of Parliament on Their Determination. The Business requir'd Haste †, for the Summer was now far come on, and the Parliament of Necessity soon to disperse; it could not therefore be committed separately to the Conventions of either Province, there to be transacted in a Regular manner: But all the Bishops of the Province of York being present in Parliament, and all the Clergy of that of *Canterbury* being ready hard by in their Convocation; the King took this way of joyning both together by

his Commission, and forming One National Assembly.

fembly. To these he recommended the Discussion of his Case, so that what should be by them determin'd, *id demum* (says he) *Totius Ecclesie nostrae Autoritate innixi licite facere & exequi audeamus*. It is manifest, that this Commission to Treat (or rather to Sit†) was here necessary to be issu'd out, for such Reasons, as sufficiently distinguish both this Meeting, and their Business from those we are discoursing of. To proceed therefore to the times

† *The Clergy are said in the Instrument, to be Congregati & Convocati virtute Commissionis, &c. but there is no formal Mention of their Treating in vertue of it.*

of E. VI. In his first Year I have shewn the Custom still continu'd for the President to declare the King's good Pleasure to the Houses, Orally, without producing any License under the Broad Seal. 'Tis true, there is the Draught of a Petition of this Year preserv'd, which seems at first sight to imply the contrary; and shall be fully consider'd under a separate Head: All I shall here say to it is, that should the Sense of the Inferior Clergy be justly express'd in this Petition, at the opening of this Convocation, yet 'tis certain they continu'd not long of this Opinion; but were soon satisfy'd, either from the Answer made to them by the Bishops, or some other way, that their Fears of incurring a *Premunire*, if they treated without a Commission, were vain and groundless; because we are as sure as we can be of a Negative of this nature at this distance, that in all the Convocations for many Years after this they treated without one.

In the 6th. of the same Prince (1552) that Convocation met in which the first 42 Articles pass'd, whose Title is, *Articuli de quibus in Synodo Londinensi Anno Dom. 1552. ad tollendam*

*Opinionum diffensionem & consensum Vera Religionis firmandum, inter Episcopos & alios Eruditos Viros convenerat. Regia Autoritate in Lucem Editi.* And here again the Omission of a License in form ought to satisfy us, that there was no such thing, because where we know it was granted, as in 1603. and 1640. there the Titles of the Canons then fram'd carry an Express mention of it.

1<sup>o</sup>. *Maria*, "The Prolocutor certify'd the  
" [Lower] House [upon their first Meeting]  
" that it was the Queens Pleasure that the Com-

\* *This explains the Eruditi Viri in the Title of the Canons of 1552. And is another Instance of the Convocational Use of that Phrase, to be added to those I have given. p.*

† *Philpot's account in Fox Vol. 3. p. 19.*

" many of the same House being  
" *Learned Men* \* *Assembled*,  
" should debate of matters of  
" Religion, and constitute Laws  
" thereof, which her Grace and  
" the Parliament would ratify. †  
And the same Intimation was  
given, I suppose, by *Bonner*, the  
President of the Upper House, to  
the Bishops; or rather to both the Houses joyntly, and his Speech reported afterwards by the Prolocutor to the Lower Clergy; as the Custom is for the Speaker to do in Parliament. The Business committed to this Convocation was very extensive we see; and yet no other License, but what was Verbal, either given, or requir'd; tho' the 25. *H. VIII.* stood in full force, both then and the Year afterwards.

When another Convocation met, *Nov. 13. 1554.* They too debated and acted, though Unlicens'd †; and among other things solicited for a Repeal of this Statute. Twenty Eight Articles of Reformation the Lower House pre-

† *As far as the Silence of the Acts in this case (good part of which I have seen) are an Evidence of it.*

prefer'd; and in the Preface to those Articles assert the Power by which they did it, "Ac-  
"counting our selves (say they) to be called  
"hither—to treat with Your Lordships as well  
"concerning the restitution of this Noble Church  
"of England to the Pristin State and Unity of  
"Christ's Church, as of other things touching  
"the State and Quietness of the same Church  
"in Doctrine and in Manners; we have for the  
"furtherance of your Godly Doings therein de-  
"vis'd these Articles following †.

† Bish<sup>p</sup>  
Burnet 2.  
Vol. Col. of  
Rec. p. 267

The next Convocation Dr. IV. \* assure us out \* Appeal  
of the late Life of *Cranmer*, was assembled by P. 30.  
Cardinal *Pole* in vertue of a License from the  
Queen, whereby he was impower'd also to  
make Canons. But this is according to his u-  
sual Exactness in these Matters. The Convoca-  
tion in 1555. met Oct. 22. †; the Cardinal's Li-  
cense to hold a Synod bears date Nov. 2. (∴) that  
Year; and that Convocation therefore could not  
possibly be assembled by him in vertue of this  
License. Besides, he was not consecrated till  
the Day after *Granmer's* Death (22. March.  
1551 ||) and could not therefore, as Archbishop, || Hist. of  
till then, summon a Convocation of the Pro- Ref. Vol. 2.  
vince. The true account of this matter is, that P. 340.  
the Parliament meeting this Year, Oct. 21. †, † Padg.  
the Convocation also, in course, met the day af- Sum. p. 517.  
ter it at *Pauls*; being conven'd by the Dean and  
Chapter of *Cant.* || as was usual in the Vacancy. || Heylin  
The Cardinal, though in *England*, did not ap- Hist. Q.  
pear at it, but *Bonner*, by Commission from the Mary, P.  
Chapter presided. There they sat and did busi- 223.  
ness till Oct. 30. \* when I find them coming to a \* AH. MSS  
Conclusion, and offering their *Subsidys*, and *Com-  
plaints* to the Queen. The second of the next  
B b 3 Month,

*Anth. Har-*  
*mar p. 141*

† *AB.*  
*MSS. Me-*  
*morandum*  
*qu post*  
*inceptam*  
*Convocati-*  
*onem in*  
*Ecclesiâ*  
*Divi Pauli,*  
*&c. Loco*

*Capitulari ibidem, postea [Episcopi] unâ cum Inferiori Clero Prov.*  
*Ebor comparuerunt in Synodo Reverendissimi in Christo Patris Domini*  
*Reginaldi, &c. inchoatâ in Sacello Regio apud Whitehall prope West-*  
*minster. W. Saye.*

† *Parl. dissolv'd Dec. 9. Journal.*

Month, the Cardinal had his License under the Broad Seal, to hold his *Synod Legatin of both Provinces*, and upon it issu'd out his Mandate to *Bonner*, Nov. the 8<sup>th</sup>. for the Prov. of *Cant.* to meet those of *York*, on the second of *Decem.* following. Accordingly both Provinces met in the King's Chappel at *White-Hall* †; and from thence adjourn'd back again to *Pauls*, and afterwards to *Lambeth*; and continu'd sitting there till *Feb. 11<sup>th</sup>*. which was two Months after the Parliament was dissolv'd †. Nor was the Synod even then dissolv'd; but prorogu'd only to the 10<sup>th</sup>. of *October*.

All our Writers ( my Lord of *Sarum* not excepted ) have confounded Two things here, that are very distinct, the *Convocation* of this Year, and the *Legatin Synod*: For the Former of these no *License* was granted, or necessary; but it issu'd purely in relation to the Latter; where in the Clergy of both Provinces were to meet Nationally, by a Legatine Authority. For the Exercise of this Authority the *Cardinal* had before hand been empower'd by Letters Patents of *Decem. 10. 1554*. But this License being too General, and expressing matters of *Jurisdiction* and *Dispensation* only; it was thought fit to add another, for the more ample Declaration of these Letters Patents ( as the Words of it are ); and therein to specify the Power of holding Synods, and framing Constitutions Legatine, and

to

to indemnify the Clergy particularly for meeting and acting under that Authority. "This (says the Bishop) was thought safe on both sides, both for Preserving the Rights of the Crown, and securing the Clergy from being afterwards brought within the Statute of *Pre-munire*, as they had been upon their acknowledging Cardinal *Wolsey's* Legatine Authority †: † Vol. 2. For the Old Laws against *Provisions*, which P. 324. brought the Clergy then under a *Premunire*, were still in force. This was the Reason of the second License, which could have no manner of regard to the 25 H. VIII. for that Act was Then repeal'd. I shall give the Reader in the *Appendix* † this License at large, as it is found in *Pole's* † Nu. XVI. Register \*; where ( and it seems, in the *Patent* \* Fol. 7. *Rolls* † also ) it is still preserv'd. The Observa- † Rot. Pat. tion naturally arising from hence is, That if any 1. part 310. other License of this Nature had from the Time Reg. J.ays Hist. Ref. of these Legatine Synods down to that of *James* ibid. the I. been granted, it would also either in the *Rolls*, or *Registers* be found: But none such ( that I can hear of ) appearing there, we have all the Reason in the World to conclude, that none issu'd. In which Opinion we shall be further confirm'd if we take a view of the Convocations in Q. *Elizabeth's* Reign.

The first, met Jan. 24. 1557. and were so far from being *Commission'd* to Treat, that they had not so much as any General *Directions* from the President to proceed upon Business †: for when † See Fuller C. H. he enquir'd, *an Clerus Inferioris Domus aliquid* P. 54. *excogitavit quod voluerunt exponere illo die*, the AB. MSS. Prolocutor, and the Rest made answer, *se nescire ob quam causam, & quibus de rebus tractaturi sunt*. I mention this particular, to shew,

that it was Customary for the Convocation to be directed to the subject of their Debates by the Crown, even when the 25 H. VIII. lay under a Repeal ( as it now did ): and such Directions therefore given at other Times, when the Statute was in force, must not be supposed to spring from this Act so much as from the King's known Prerogative, by which he ever propos'd both to Parliaments and Convocations, at their first opening, the

Reasons which He, *on his Part* \*, had to assemble them. But this only by the bye.—The Protestant Convocations held after this Statute was reviv'd, are a plain proof of the Truth of that Ex-

\* Super præmissis, & aliis quæ ibidem ex parte nostrâ clariùs exponentur, are the Words of every Convocation-Writ.

position I have given of it. For in a *Directory* of Archbishop Cranmer's, prescribing the Method of opening them, though every step that is at such times to be taken be minutely set down, and the summ of whatever the Archbishop, or any other, is on that occasion to do, or say, be distinctly mention'd; yet of his producing a *Commission to Treat*, not a word is said: as 'tis natural to think there would have been, had such a Commission been practis'd. I shall give the Reader a Copy of this *Directory* among the other Papers \*, because, if the Discontinuance of Convocations prevails, such Lights as these may in some time be necessary. We are hastning on, I find, into so Thorough an Ignorance of these matters, that it may, for ought I know, within a while, be urg'd as a Reason for not holding a Convocation, that we do not understand the Manner of holding it. I am sure this is as good a Reason as any that has been yet given for it. I call this Paper Archbishop Parker's, because by

† See Appendix. N. XVII.

the



the Company I find it in, I have reason to conclude it so to be. However, it was certainly drawn up, since the Reformation, either in King *Edwards*, or in the beginning of *Q. Elizabeth's* Reign; for there is no mention in it of the *Mafs*, or of *Abbats*, and *Priors*: and it is of use therefore to prove the Practise of those *Protestant Conocations* which we are enquiring after. But this is only a General Proof.

More Particular and Express to our Purpose is the Synod of 1562. where Matters of Great Moment were transacted, the *Articles* of the Church, and the *Catechism* review'd; and several *Canons* relating to Discipline fram'd, though some of these were not at that time publish'd. And the Debates on these occasions were all enter'd upon, and manag'd without any *Commission* from the Queen; as is manifest beyond a Doubt, from the Acts of that Synod, of which I have seen an Exact and Entire Copy, written in an Hand of the Time, and taken from the Registers of that Convocation, soon after it sat. These Acts are very Particular and Minute in giving an account of the Proceedings of every Day, and do orderly specify all the Publick Instruments that any way concern the Synod: But as to a *Commission* to Treat, they are perfectly silent. The Reader, who has any Curiosity this way, will not be displeas'd, I suppose, if I produce some Passages from thence, that shew plainly how they were employ'd.

*Jan. 16.* The Archbishop himself said Prayers, reading the Litany, *cum Collectis assuetis, ac Oratione [in] Synodo Provinciali dicenda noviter, ut adparuit, edita*. Which new Collect I take to be that in the Convocation Office, which begins,

gins, Domine Deus, Pater Luminum, &c. and in it they beseech God, *ut Gratia Tua calitius adjuti ea omnia investigare, meditari, tractare, & discernere valeamus quæ Honorem Tuum, & Gloriam promoveant, & in Ecclesiæ cedant profectum.* I can scarce believe that they would have chosen to address themselves to God in such a Form of Words as this, had they thought that they were under an utter Incapacity of entering on any particular Debate whatever, without being Qualify'd by a Broad Seal for it.

It follows, *Tunc dimisso Clero Inferioris Domûs Reverendissimus rogavit Patres, quod unusquisque eorum intra proximam Sessionem Excogitate velit ea quæ in eorum specialibus Diaces. reformatione indigeant, ac in proximâ Sessione proponere dignaretur.*

Jan. 19. *Habitâ inter dictum Reverendiss. Patrem ac ceteros Episcopos—communicatione sive deliberatione de quibusdam Articulis ad Christianam fidem facientibus, tandem dictus Reverendissimus accersiri jussit ad se Prolocutorem Domûs Inferioris. Qui quidem Prol. unâ cum Sex aliis de Clero dictæ Domûs Inferioris coram Patribus sui Copiam faciens proposuit & asseruit, quod quidam de dictâ Domo exhibuerant quasdam diversas Schedas de rebus reformandis per eos respective Excogitatas & in Scripta redactas. Quæ quidem schedæ de communi consensu traditæ sunt quibusdam Viris gravioribus & doctioribus de cætu dictæ Domûs Inferioris ad hoc electis perspicendæ & considerandæ. Quibus sic electis (ut asseruit) assignatum est, ut hujusmodi Schedas in Capitula redigant, ac in proximâ Sessione exhibeant coram ipso Prolocutore. Et ulterius proposuit,*

posuit, quod Articuli in Synodo Londinensi tem-  
pore nuper Regis Edvardi Sexti (ut asseruit)  
Editi †, traditi sint quibusdam aliis Viris ex † This is  
Cetu dictæ Domûs Inferioris, ad hoc etiam electis, a sufficient  
ut eos diligenter perspiciant, examinent, & con- Proof that  
siderent, ac prout eis visum fuerit, corrigant & the Arti-  
reformer; ac in proximâ Sessione etiam exhibe- cles of  
ant. Et tunc Rev<sup>m</sup> hujusmodi Negotia per di- 1552. pas-  
ctum Proloc. & Clerum incepta approbavit, ac in sed the Sy-  
iisdem juxta eorum determinationem procedere nod of that  
voluit, & mandavit. Year in  
form; how-  
ever my  
Lord of Sa-

rum, in his late Exposition, came to say the contrary. See Introd. p. 5.  
where his Lordship thinks it probable that they were prepar'd by Cran-  
mer and Ridley, and publish'd [without any Synodal Consent] by the  
Regal Authority. What were the Reasons inducing his Lordship to think  
this probable, I presume not to guess: The only Reason he has pleas'd to  
give, is, That the Major part of the Synod could not have agreed to  
em without a Miracle. However, since the Acts of another Synod Ten Years  
afterwards, assure us, that such a Miracle was done; we have reason, I  
think, to take Their Word before my Lord of Sarum's Conjecture.

Jan. 20. Episcopi—de & super quibusdam Ar-  
ticolis sacrosanctam Christi Religionem concer-  
nentibus—per spatium trium horarum aut circi-  
ter inter se tractarunt.

Jan. 29. Post Tractatum aliquem inter Episco-  
pos habitum, tandem super quibusdam Articulis  
Orthodoxæ fidei inter Episcopos quorum nomina  
eis subscribuntur, convenit. Deinde Electi fue-  
runt Reverendi Patres Domini Edmund Londin,  
&c. ad Excogitanda quedam Capitula de Disci-  
plinâ in Ecclesiâ habendâ.

Feb. 5. Reverendi Patres Domini. Joh. Sarum,  
&c. assignati fuerunt ad examinandum Librum  
dictum the Catechism.

Mart. 1. Comparuit coram eis Prolocutor—&  
allegavit quod Cetus dictæ Domûs Inferioris ex-  
cogi-

cogitavit quædam Capitula Additionalia ad librum de Disciplina coràm patribus ultimà Sessione porrectum. Quæ quidem Capitula dicto Libro (ut asserunt) addi cupit. Unde dictus Rev<sup>m</sup> tradidit eidem dicto Prolocutori Librum prædictum, mandando quod additis bujufmodi Capitulis sic Exco- gitatis ipsum Librum cum Additionalibus prædictis denuò exhibeant coràm eodem Rev<sup>m</sup>.

Mart. 3. Dominus Prolocutor, &c. Nomine totius Cætus præsentarunt eisdem Patribus quendam Librum nuncupatum Catechismus Pœ- rorum; cui (ut asseruerunt) omnes de Cætu e- jusdem Domûs unanimiter consenserunt.

Mart. 5. Dom. Proloc. &c. comparuerunt, & exhibuerunt, &c. Librum de Disciplina unà cum quibusdam Capitulis Additionalibus ad eundem, viz. de Adulterio, &c.

The Reader sees that the Business here gone upon was as great and weighty as perhaps ever employ'd any English Synod: The Doctrine of the Church was here settled in the Articles, and the Catechism, and new Rules of Discipline form'd; and all this was done without any Previous License, except what was contain'd in that General Message deliver'd by the Archbishop in his Speech which I have already mention'd. It is further observable, that the Review of the Articles took its Rise from the Lower House; that the matter of the New Canons was There first suggested and drawn into Form; and that every thing almost that was done, came Originally from Them to the Upper House, and not from the Archbishop to Them: and was not the Effect therefore of any Royal Command, or Im- position, but a Free Act of the Body.

The Articles set out by this Synod bear this Title—*Articuli de quibus convenit inter Archiepiscopos & Episcopos utriusque Provincia, & Clerum Universum in Synodo Londini Ann. 1562. Editi Autoritate Serenissime Regina.*

The Ratification of them afterwards in 1571. (when they were again with this Ratification Printed) runs thus—*Hic Liber antedictorum Articulorum jam denuò approbatus est per Assensum & Consensum serenissime Regina Elizabethæ Domina Nostre retinendus, & per totum regnum Angliæ exequendus. Qui Articuli & lecti sunt, & denuò confirmati subscriptione D. Archiepiscopi & Episcoporum Superioris Domûs, & totius Cleri inferioris Domûs || in Convocatione A. D. 1571 \**. In neither of these is there any hint of a License under the Broad-Seal; although it be expressly mention'd afterwards, where we know it was employ'd.

*My Lord of Sarum (Exposition p. 16.) doubts whether the Articles in 1571. pass'd the Lower House, at least, whether they were Subscrib'd by the Members of it. But these Words in the Ratification of them (Printed by his Lordship, p. XVI. though at present, I suppose, out of his mind) leave no Room or Colour for such a Doubt. His Lordship was betray'd into it, it seems, &c. by the Bennet Colledge Manuscript, where the Subscriptions of the Bishops only appear. But it might have been presum'd that the Bishops did in this Instance sign One Copy by themselves; and the Clergy of the Lower House another, which has since perish'd.*

\* Sparrow p. 222.

The Speech wherewith Archbishop Parker open'd a Convocation in 1572. I have seen and perus'd; and there is no Expression in it from whence we can suspect, that that Meeting was to Treat by Commission from her Majesty.

In the Synod of 1584 the Style of the *Articuli pro Clero* then agreed upon is, *Articuli per Archiepiscopum, Episcopos, & reliquum Clerum Cant. Prov. in Synodo, &c. Stabiliti, & Regia Autoritate approbati & confirmati.*

The

† Sparrow p. 191.

The Canons made in the Convocation of 1597. bear this Title—*Capitula, sive Constitutiones Ecclesiasticae, per Archiepiscopum, Episcopos, & reliquum Clerum Cant. Provinciae in Synodo, &c. congregatos tractata, ac postea per ipsam Regiam Majestatem approbata, & confirmata; & utrique Provinciae tam Cant. quam Ebor. ut diligentius observentur eadem Regia Autoritate sub*

† Sparrow  
p. 243.

*Magno Sigillo Angliae promulgata* †. L. M. P. has been guilty of a piece of slight of hand in producing this Title: for he has remov'd the *Comma*, which should be after the word *Tractata*, backward to *Provinciae*, (omitting the Words between those Two) that so *tractata* may seem to belong to the Sentence which follows it, and the Reader be by that means led into a belief that the Original *Treating* it self was as much from Royal Condescension and Grace, as the *Passing*, and *Promulging* afterwards. I need not say, how absurd this is, and how contrary to the Rules of common Construction, and common Sense.

It is true (and Truth being the only thing I seek, I shall not conceal it) that in the Manuscript Collections of a Learned Man, who liv'd before the Convocation-Registers were burnt, I have seen a *Memor.* in these following Terms.—

*Lib. Convocat. ab anno 1584. usque, &c. 1597. Fol. 195.* “The Queens Letters Patents to confirm the Canons, a Recital of the Writ, of their Desire, the Canons Confirmation, and a Command to have them observ'd in both Provinces.

Which shews indeed, that the Synod in 1597 desir'd, and had leave for the Canons they pass'd, and implies further, that both their Request, and the

the Answer to it were very probably in writing; since it could not else have been recited in the Ratification of them. But what this Leave was ask'd, and given for; whether only for the passing these Canons, or even for the Previous *Treating* about them, appears not from this *Memo-randum*; and must otherwise therefore be determin'd. Our Publick Records will not ease us of this Doubt; among which (I am told) this Instrument is not now to be found: and the only way therefore we have left of clearing it, is, by a Recourse to the Title of the Canons; which, if it may be depended on, evidently shews, that their Desire was for Leave, not to *Treat*, but to *Enact* only. And how Authentick and Significant the Titles of Canons are to this purpose, our Adversarys in the next Instance will tell us: for they produce † the Title of those in 1603. † *Appeal*  
 as a manifest Proof, that that Synod had a Com- p. 24.  
 mission to treat. We allow it had; and it is the L. M. P.  
 first Synod that ever had one from the 25 H. VIII. p. 37.  
 down to that time.

L. M. P. indeed has found out one somewhat Elder: for he tells us, that "a Proclamati-  
 "on came out 5. March 1. Jac. 1. for the Au-  
 "thorizing of the Book of Common Prayer, &c.  
 "which recites that the King had issu'd out a  
 "Commission to the Archbishop and others, ac-  
 "cording to the Form which the Laws of the  
 "Realm in the like Case prescribe to be us'd, to  
 "make an Explanation of the Common Prayer,  
 " &c. So that in those days (says he) this In-  
 "dependent Freedom of Debate was not esteem-  
 "ed amongst the Libertys of the Church †. But † p. 41.  
 had that Writer seen the Commission it self,  
 and not guess'd at the Contents of it from a  
 Recital



Recital in a Proclamation, he would have known, that it was directed, not to the Clergy in Convocation, (for they met not, till some Months after the Date of it) but to the High Commissioners in Causes Ecclesiastical; authorizing the *Alterations* they had made in the Common-Prayer-Book, by vertue of a *Proviso* in the Act of Uniformity 1<sup>o</sup>. *Eliz.* How is this to his purpose? or what possible use can he make of it? It is indeed to my purpose, to observe from hence, how high the Prerogative then ran, and what Unreasonable Powers were claim'd by it. The Book of Common-Prayer was establish'd by an Act of the 1<sup>st</sup>. of the Queen, in which it was provided, that "if there should happen  
 "any *Contempt*, or *Irreverence* to be used in the  
 "Ceremonys or Rites of the Church by the *mis-*  
 "using of the *Orders* appointed in that Book,  
 "the Queens Majesty might by the Advice of  
 "her Commissioners, or of the Metropolitan,  
 "ordain and publish such further *Ceremonys* or  
 "*Rites*, as might be most for the advancement  
 "of God's Glory, the Edifying of his Church,  
 "and the due Reverence of Christ's Holy My-  
 "steries and Sacraments \*. In vertue of this  
*Proviso*, King James in his first Year gives Di-  
 rections to the Archbishop, and the rest of  
 the High-Commissioners, to review the Com-  
 mon-Prayer-Book; and they accordingly made  
 several Material Alterations and Enlargements  
 of it, in the Office of Private Baptism, and in  
 several other Rubricks and Passages, added five  
 or six new *Prayers*, and *Thanksgivings*, and all  
 that part of the *Catechism*, which contains the  
 Doctrine of the *Sacraments*. Which last Addi-  
 tions would not, I conceive, have been in the  
 least

\* Cap. 2.

least warranted by that *Proviso*, had the Powers there specify'd extended to the Queens *Hirs and Successors*: but as they were lodg'd *personally* in the Queen, there could, I presume, be no Colour for K. *James's* exercising them in vertue of it. The Drawer up of the Commission was aware of this, and supplys therefore what was wanting in this Provisional Clause, by some General Words, and by a Recourse to that Inexhaustible source of Power, the *King's supreme Authority and Prerogative Royall*; which, it seems, was at that time conceiv'd to extend so far, as to enable the Crown to make Alterations of Great Importance in a Book establish'd by Act of Parliament, to authorize the Book thus alter'd, and to forbid the Use of the Other. I question whether such a Proceeding would now be thought Legal; but then it went down quietly: and in vertue of it, the Common Prayer-Book so alter'd, stood in force from the 1<sup>st</sup>. of K. *James* till the 14 C. II. when, upon a new Review, it was again confirm'd by Parliament. I shall place this Commission in the *Appendix* †, †N. XVIII that the Reader may have an Instance, what the Doctrine of that time was concerning the Extent of the Prerogative in Church Matters, and from thence cease to wonder that a Formal *Commission to treat*, &c. should be *first* granted to the Convocation a few Months afterwards. I say *first* granted; for there is no *Suspicion* of any preceding License of this kind, but in 1597. only: and that rises no higher than a *Suspicion*; there being stronger Probabilities against it, than for it. And thus, I hope, I have effectually remov'd Dr. *W's* Argument about the sense of the *All*, taken from the *Constant Practise* of *All*

Convocations *ever since* the framing it; which he appeals to so frequently, and with so much Calmness and Security, that one less acquainted with him than I am would have been tempted to think, that he spake upon good Grounds, and had well consider'd what he said: Whereas in truth he was merely upon the Conjecture; and having found that the Convocations of 1640. and 1663. acted by Commission, concluded presently that all the Precedent ones must have done so too; forgetting in the mean time that wise Maxim of his Own, with which he very fitly introduces as wise a Chapter. "So great" (says he) is that Uncertainty to which all "Human Constitutions are expos'd, that tho' "I have before sufficiently shewn, what the Nature of our Convocation at present is, and "what Authority our King's have over it, yet "we can by no means from thence conclude, that

† P. 147. "this was always the case †. Which deep Remark, had it been in his View throughout his Book, would have instructed him not to determine so peremptorily upon the Course of Ancient Practise from some Modern Instances; it would have sav'd him the shame of slipping into so many false and groundless Assertions on this Head, and me the trouble of exposing them. When he resolv'd, for Reasons best known to himself, to set up for a Champion in this Cause, he should either have taken care fully to instruct himself in the matters he wrote of; or at least, where he was conscious of his want of Light, he should have had the Discretion to express himself a little more warily.

The oldest *Æra* therefore of these Commissions, which impower the Convocation to Treat,  
 &c.

*Ec.* is i. 7. i. how that New Precedent came then to be set, and what Restraints it may be conceiv'd to have laid on the Clergys Liberty of Debate, I shall now briefly enquire.

It must be confess'd that K. *James*, who had been somewhat less than a King in *Scotland*, took upon him to be somewhat more than a King, as soon as he came to the Crown of *England*; spoke of his Prerogative in a very high tone, look'd upon it as some *Innate Power*, divinely annex'd to the Kingly Character, and did not stick to call it so frequently in his

Speeches and Messages†; and sometimes to talk even of a *Sovereign and Absolute Authority*, which he enjoy'd as freely as

† See his Speech to the Bishops and Ministers, Spotswood p. 534. Letter to the Assembly of Perth. ib. p. 537.

any King, or Monarch in the World†. Bishop *Bancroft*, who had corresponded with him formerly in *Scotland*, knew his Temper well: and, the Church having then Great Business to do, and He himself some, (for the See of *Cant.* was then void) contriv'd, we may imagin, how to humor it in the approaching Convocation, wherein He was to Preside; and to that end procur'd this Ample Commission, as an Instance of the great Deference and Submission which the Church of *England* paid to the Royal Authority. Indeed the Clergy had reason to shew all the Marks of Duty and Respect that were fitting, to a Prince that had shewn himself so fast a friend to them, as K. *James* in the *Hampton-Court* Conference, which immediately preceded this Convocation, had done: Where he had declar'd openly for All the Rites and Ceremonies of the Church, against the Scruples of those, who were then called *Puritans*, and had pe-

† See his Declaration in 1605. Spotswood p. 488.

remptorily commanded them to Conform. This, I say, may be suppos'd to have wrought on the Clergys Gratitude, and made them easier to accept such a *Commission* now, than they would have been in any other Juncture: especially since by it, though they might seem to abridge their Liberty in One Respect, yet they certainly enlarg'd it another. For whereas in Former Convocations, which were not thus Commissi- on'd, the Custom had been to draw up their Rules and Canons in an Unauthoritative Style, and without denouncing Spiritual Penaltys on the Infringers of them (according to the Pat- tern set by the Old Canons); here the Clergy first began solemnly to *Decree* and *Ordain*, and to annex the Sentence of *Excommunication* to the Breach of those Ordinances. The Canons of Q. Elizabeth's time, where they run most in the Style of Authority, do yet rise no higher

† See Sparrow p. 245. as before in 1584. p. 193.

‡ Ibid p. 252.

\* Ibid. p. 247.

|| And so in those of 1640.

We Ordain and Decree  
Can. 1. The Synod doth or-  
dain and decree, Can. 2.

than to a *Cautum est nequis* †, *Volumus etiam* ‡, and *Decernendum censemus* \*: but in 1603, the very first Canon begins with *Statuimus Et Ordinamus* ||; and the Sanction of several of them runs thus — *Excommunicetur ipso facto, non nisi per Archiepiscopum*

*restituendus*; idque postquam resipuerit, ac impium hunc errorem publice revocarit. The Previous *Licence* therefore qualifying them to Decree in form, and to bring their Canons up to the an- tient Synodical Pattern, they might for this rea- son be enclin'd to make use of it; imagining (how justly, has since appear'd) the Ground they got in one respect, to be an Equivalent for what they lost in another. Something too of  
th's

this Caution might be owing to the Circumstances and Temper of the Times, when there was no good understanding between Them, and the Great Men of the Law, the Two Jurisdic-tions clashing mightily; and when those who underhand blew the Coals between Them and the Nonconformists, were uneasy under the Clergys late Victory at *Hampton-Court*, and would not have been sorry to see them make an ill use of it, or to have had any Handle towards disputing the Legality of their after proceedings. On this account a License under the Broad-Seal might be thought convenient, to cover them, not so much from the Law it self, as from Popular Complaint and Misconstruction. And if these Reasons may be suppos'd to be then of weight for the beginning this Practise, they were yet stronger afterwards for the continuance of it, in 1640. when the Passions and Prejudices of Men ran even higher against them than Now, and every thing they did was more likely to be misinterpreted.

Thus far, by way of Enquiry into the particular Grounds and Motives from whence this New Precedent may be suppos'd to have sprung: let us now see how far the Clergys Liberty of Debate was really affected by it; and we shall find this not to have been to such a Degree as is commonly imagin'd. For in relation to this *License*, there are Three things that deserve to be consider'd.

1. That it was not granted the Clergy immediately upon their first coming together. The Convocation had sat from *March 20.* to *April 12.* that is, three full Weeks, without a Com-mission, and to be sure therefore had in that

time *Treated* without one; and did not therefore think themselves unqualify'd for all manner of Synodical Debates, till they were so commission'd.

2. It is very observable, that in the King's *Lettters Patents of Confirmation* † reciting this License, there is a plain difference made between his *Prerogative Royal and Supreme Authority in Causes Ecclesiastical*, and the *particular Powers* lodg'd in him by the 25 H. VIII. In virtue of the *first* of these, he is said to have granted the Clergy *full free and lawful Liberty, &c. to confer, treat, debate, &c. upon Canons*; but to have given his *Royal Assent* to those Canons, according to the form of a certain Statute, or Act of Parliament, made in that behalf, in the 25th.

† And so in the Commission it self, (see it in Dr. W's Append. n. V.) though the 25. H. VIII. be recited in the Preamble of it; yet where Leave is granted to Confer, Treat, &c. such Grant is said to be by Virtue of our Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, without any reference to the Statute.

Year of the Reign of K. Henry the VIII. † which Statute is nowhere vouch'd in that Ratification, but with regard to such *Royal Assent* only. It cannot be interr'd therefore that either the Givers or Takers of this new License understood the Submission Act in a Sense different from what we contend for, since it does not appear that the Grant of this License was really found-

ed on that Statute. However, supposing it was, yet are we to consider in the

3 Place, that it is not a bare *License to treat* that is there granted, but beyond this (as the words run) "A full free and lawful Liberty, License, Power and Authority to confer, treat, debate, consider, consult, and agree of and upon such Canons, Orders, &c. Now though a License



License to *debate* of Canons was not necessary according to the Act, yet a License to *agree upon* them might be judg'd necessary; the Clergys *agreeing upon* Canons (especially in such an *Authoritative Form*, and with such *Sanctions* and *Penaltys*, as I have shewn them now first to have practis'd) being liable to be constru'd to a sense equivalent to *Enacting* or *Making* them; which without the *Royal Assent and License*, they were by the Act expressly prohibited to do. The License to *Treat* therefore is not to be taken separately, but in conjunction with *agreeing of and upon*; and must be suppos'd necessary no otherwise, than as it qualify'd the Clergy so to *treat* of Canons, as to *agree* also, and come to a *Conclusion* upon them. And thus therefore the *Latin Title* of these Canons (which Dr. W. acknowledges to be truly *Authentick and Legal* †) runs.

† App. p. 24.

*Constitutiones sive Canones Ecclesiastici per Episcopum Londinensem Praesidem Synodi pro Cantuariensi Prov. ac reliquos Episcopos & Clerum ejusdem Prov. ex Regia Autoritate Tractati & Conclusi.*

*In ipsorum Synodo inchoata Londini, &c. Ab eadem Regia Majestate deinceps approbati, ratihabiti, ac confirmati, ejusdemque Autoritate sub magno Sigillo Angliæ promulgati, per utramque Provinciam tam Cant. quam Ebor. diligentèr observandi.*

They are said to be *ex Regia Autoritate tractati, & conclusi* [joynly]: not *ex Regia Autoritate tractati, & conclusi in ipsorum Synodo*,

do, &c. as L. M. P. has fallaciously pointed these words, on purpose that he may sever their *Treating* from their *Concluding*, and make the Royal License seem to have been necessary for the one without any Consideration of the other. But this is according to his usual Sincerity in these Matters; one Instance of which I have already observ'd to the Reader.

The *English* Title of these Canons confirms what has been said, and gives us further Light in the case; it is thus worded.

Constitutions and Canons Ecclesiastical, *Treated upon* by the Bishop of London, President of the Convocation for the Prov. of *Cant.* and the rest of the Bishops and Clergy of the said Province :

And *agreed upon with the Kings Majestys License* in their Synode, begun at London, A. D. 1603, &c. and now *Publisht* for the due Observation of them by his Majesty's Authority, under the Great Seal of *England*.

Here is no mention of the Kings License for any Act previous to their *agreeing upon* these Canons; which is a good Evidence that the Framers of them thought there needed none: and though, by the form of their Commission, a free Liberty was granted them to *treat, debate and agree*; yet that really they had occasion for such a Grant, only as to the last of these Acts, but not as to the Former. For had the One been equally necessary with the other, they would have taken equal care to express it. \*Dr. W. indeed excepts  
against

against this *English* Inscription †, and says, it is † App. p. 25:  
*very imperfectly rendred from the Latin, and apt  
 to lead men into mistakes about these matters;*  
 believing, it seems, that the Translation of these  
 Canons into *English*, was the work of some  
 Private Hand, unauthoriz'd by the Convocation:  
 whereas he should have known, that the way  
 was for the Convocation to pre-

pare both her *Articles* †, and *Ca-*  
*non*s in *Latin* and *English* at the  
 same time; and that the one of  
 these therefore is every whit as  
*Authentick* as the other. And  
 in the present case it may be  
 question'd, whether the *English*

† The *Articles* of our  
*Church* were at the same time  
 prepar'd both in *Latin* and  
*English*; so that both are e-  
 qually Authentick. *Bishop*  
*of Sarum's Exposition, Sec.*  
 p. X.

*Canons* be not rather somewhat *more authentical*  
 than the *Latin* ones; since it was *That Copy*  
 of them, which seems particularly to have pas-  
 sed the Great Seal, and was, with the King's  
 Ratification at length annex'd, then publish'd  
 from the *Press Royal*. And as low an Opi-  
 nion as Dr. *W.* has of Convocations, I hope he  
 will allow them able to translate their Own  
*Latin*, and to understand their own meaning.  
 But should there in rendring the *Latin Title*, any  
 casual Mistake have happen'd, it would have  
 been set right afterward in the *Canons* of 1640 †, † See Spa-  
 when it behov'd the Clergy to tread warily, and row Col.  
 to prevent all manner of Exceptions. And yet p. 235.  
 There again, the very same *English* Inscription  
 returns; nor did that House of Commons,  
 which was no ways unwilling to find fault with  
 any thing in these *Canons* that could be  
 laid hold of, except against this Title, but || Rush-  
 made use of it themselves in their Votes || of worth  
 Dec. 1. 5, 16, [1640] without questioning the part 3. p.  
*Accuracy*, or *Legality* of it. 1355.  
 From

From all which I infer, that those very Con-  
 vocations that took out these *Commissions*, did  
 not however think that they *treated in vertue*  
 of them, and much less that they *could not* have  
 treated *without* them. They needed such Pow-  
 ers, only to draw up and pass their Synodal De-  
 crees in form; and though more was inserted in-  
 to them, even the Liberty of *Debating*, as well  
 as *Concluding*; yet they accepted what *was not*  
 necessary, for the sake of what *was*: taking care  
 only in the Front of their Synodical Acts, to af-  
 fert a Liberty of Debate to themselves, inde-  
 pendently of any such Royal Grants or Commis-  
 sions. All they wanted was a Commission to  
*make or decree Canons*; the *Attorney General*  
 who had the drawing it, thought, it seems, that  
 it would not harm them, if a little more than  
 they wanted *was given them*; and knew, to be  
 sure, that he should not hurt his Master's Pre-  
 rogative by it: and so, that the Royal Grant,  
 and the Clergys Priviledge might look Ample  
 and Full enough, was pleas'd, as has been usual  
 in such cases, to multiply Words without Occa-  
 sion: But it no more follows from the Clergys  
 admitting such a License, that they needed eve-  
 ry Part and Parcel of it, than it does, that a  
 Criminal, who takes out a *General Pardon*, is  
 guilty of every Individual Crime that is there  
 specify'd. In the first seven Years of Q. *Eliza-  
 beth*, every New Bishops Patent had this Clause  
 in it,—*Supplentes nihilominus Supremâ Authori-  
 tate nostrâ Regiâ, ex Mero Motu, & Certâ Sci-  
 entia nostris, siquid aut in hiis quæ juxta manda-  
 tum nostrum prædictum per Vos fient, aut in Vobis  
 aut—Conditione, Statu, Facultate vestris ad præ-  
 missa perficienda desit aut deerit, eorum quæ per  
 Statuta*

*Statuta hujus regni aut per Leges Ecclesiasticas in hac parte requiruntur, aut necessaria sunt, temporis ratione, ac rerum necessitate sic postulante.*

These words sound high, and yet our Learned Mason pleads †, that it cannot from hence be † de Mi- collected, that there were any such Defects as mist. Angl. are here said to be Pardon'd; and likens this P. 329.

Clause to that in the Pope's Bulls, which absolves every Bishop à quibusvis Excommunicationis, Suspensionis, Interdicti aliisque Ecclesiasticis Censuris Et Penæ a Jure vel ab Homine quavis Occasione vel Causa latis †, without enqui- † P. 330.

ring whether the Bishop had incur'd any of these Censures, or needed this Absolution. It was given out, as he there distinguishes, Hypo- thetice, non Absolute †, i. e. if they wanted it, † P. 331.

there they had it; and if they did not want it, yet ad abundantem cautelam they might be willing to accept it; because others might Imagine both that they did want it, and that it was this way to be supply'd: and it might be proper therefore to ward against these Suppos'd Defects, as well as more Real ones. Which is all as Applicable to the Convocation, that took out the License in the first of K. James.

Does Dr. W. think, that every impowring Clause or Phrase in a Commission implys that the Persons Commission'd could not have done such or such a thing, without they had been so impower'd? The following Instance may satisfy him to the contrary.

A Commission for the Repair of Pauls in 1631. gives "full Power and Authority [ to the Persons nam'd in it ] to consult, advise, and consider of meet Orders, Ordinances and Constitutions for the better preservation of that Church, " and

† Biblio  
theca Re-  
gia p. 256.

“ and for the preventing Annoyances, and the  
“ same Orders, Ordinances, and Constitutions  
“ being reduc’d into Writing, to present unto us  
“ to the intent that the same being perus’d by  
“ Us, and consider’d of, may receive our Royal  
“ Approbation and Allowance †. The Powers  
here granted are much the same, and in much  
the same words with those in the Commission  
to the Convocation: but no body can be silly  
enough to think that Private Persons might not  
of their own Accord have done all this, have  
enter’d into such Considerations, and made such  
Proposals to the King, without a Commission.  
Commissions are oft-times employ’d, not for the  
security of such as do the Business, but to secure  
its being done; they give the Countenance of  
Authority to Things, and promote the Dispatch  
of them. For Example,

† T. 2. p.  
479.

In the 21 H. III. A Writ issu’d to *William de Perecat*, the Court-Barber; which Mr. Pryn, out of his Zeal against Long-hair, has put into his Tomes of *Ecclesiastical Jurisdiction* †, and may therefore become this place as well. It ran, as follows.

Pat. 21.  
H. III. m.  
3. d. vs.

R E X Willielmo de Perecat, *Salutem.*  
**Sciatis quod** concessimus & plenam Potestatem Vobis dedimus scindendi Capillos Clericorum nostrorum qui sunt de Hospitio nostro & familia nostra longos crines habentium, & comas nutrirentium, & ad Crocos capillorum suorum deponendos. Et ideo Vobis mandamus quatenus ad hoc modo debito intendatis; huiusmodi Potestatem nostram vobis concessam taliter exequentes circa predictos

predictos Capillos scindendos & Crocos  
deponendos, ne ad Capillos vestros  
scindendos forcipes apponere debeamus.

**Teste meipso apud Clyne 2d<sup>o</sup>.  
die Septembris.**

Now though I doubt not but that *William de Perecat* went about his Business more nimbly, and to better effect, after this Message than before it; yet I cannot forbear thinking, that if these Clergymen and He had been agreed, he might have exercised his Office upon them, without having a *Writ* to shew for it. This is a familiar Instance indeed, but may be as Instructive as a more solemn one; and if it serve withal to relieve a serious Scene, and make the Reader smile a little, I have my double end in it.

What has been said, may be sufficient, I hope, to account for the License of 1603. and for any Word or Passage in it, that may be suppos'd to affect the Clergys *Liberty of Debate*, which they were in an Uninterrupted Possession of when that Practise first began, and have an Undoubted Right to still, notwithstanding the continuance of it.

One Expression indeed there is in it, which *Dr. W.* catches at, and has not been yet consider'd. He observes, that the Liberty granted by that Commission is said to proceed, out of the King's *Especial Grace, Certain Knowledge, and Mere Motion* †; and does most invincibly from † P. 116. thence argue that it could not therefore be their *Due*, or belong to them *ex debito justitiæ* †. I † P. 290. agree with him thus far, that a *Commission* im- (283.) powering them to *Treat* is not their *Due*, because



cause I take it to be their unquestion'd Right and Due to treat without one. But his Reason why they are not entitled to it of Right, I can by no means admit; because Learned Lawyers tell me, that those Phrases *Especial Grace*, and *Mere Motion* are used sometimes for forms sake, where the thing said to be thus granted is strictly of Right, and cannot be with Justice deny'd. For Instance, the Writ de *Excommunicato capi-endo*, upon a Certification into Chancery, follows, we know, in course, and de *Jure Ordinario*; and is therefore, in diverse Precedents of it, said to issue *secundum Consuetudinem Anglie*, i. e. according to the common Law of England; and yet in one Instance, Dr. Cousin † informs me, that it runs *quod hujusmodi breve nostrum de Gratia nostra procedat*; and a Note therefore in the Register, upon these words in another Writ, says, that they are us'd only *pro Honore Regio, etiamsi ad id de Jure teneatur*.

† *Apol. for*  
*Proc. Eccl.*  
*p. 8.*

But I pay too great a Regard to his trifling Remarks, in pursuing them thus minutely; and go on therefore to remove the rest of the Exceptions taken at our way of expounding the Statute.

In my account of the *Practise* of Convocations since the 25 H. VIII. I slipp'd over some *Requests of the Lower House of Convocation to the Upper*, a few years after this Act pass'd, and promis'd to make a distinct Head of them; which I shall now therefore consider and explain.

It is objected against that sense I have given of the Statute that the Clergy of those times did themselves understand it otherwise; for in a  
Petition

Petition put up by them to the Bishops 1<sup>o</sup> E. VI. they recite some part of the Submission-Act, and of the 27 H. VIII. that confirms it; and then "desire, that being presently assembled in Convocation by auctority of the King's Writ, the King's Majestys License in Writing may for them be obtain'd and granted, according to the Effect of the said Statues; auctorising them to attempt, entreat, and commune of such matters, and therein freely to give their Consents, which otherwise they may not do upon Pain and Peril premis'd. This indeed seems *Material*, and for this Reason, I suppose, Dr. W. takes no notice of it. But L. M. P. insists upon it, and styles it an *Authentick Exposition of that statute, which without any other Evidence is sufficient to shew, that it was the Intention of that Act, that the Treating and Resolving, as well as the Meeting of a Convocation should depend upon the Mere Good-will of the Prince* †. The Reader may observe, how wondrous kind this Gentleman can be to the Clergy upon occasion, and what a profound respect he has for their Opinion, when it is for his Turn. He allows a Petition of the Lower House of Convocation, to be an *Authentick Exposition* of an Act of Parliament; an Honor, which the most solemn Decisions of both Houses would not (much less do the Petitions and Requests of any one) deserve; and least of all the particular Requests we are at present concerned with. For,

It is probable that the *Petition* it self is not *Authentick*, and then the *Exposition* it gives, to be sure, cannot be so. There are two † 2. Vol. Coll of Rec. Papers printed by my Lord of Sarum †, which n. 16, 17. he

he calls *Petitions of the Lower House of Convocation* (1° E. VI.) to the Upper. The Former of these † is not a single Petition, but four several Requests (or rather the Minutes of four) joyn'd together; with a certain *Query* annex'd, in the Close of them. Of these the *First* relates to the Collection of Ecclesiastical Laws, appointed by Act of Parliament to be made in *H. the VIII<sup>th</sup>'s* time. The *Second* is a Proposal for adjoyning the Lower House of Convocation to that of Parliament. The *Third* concerns the Committee for reforming the Offices. The *Fourth* is about the Statute of First fruits and Tenths. The *Query* added is, "Whether the Clergy of the Convocation may liberally speak their mind, without danger of Statute, or Law?" The Latter is a Petition in form, from the Lower Clergy to the Bishops, enforcing the second of those Requests put up in the former Paper, and praying a *License in Writing*, in the Terms already recited †. Now this last Paper, I say, seems never to have been approv'd, or presented, by the Lower Clergy; and I say it, upon these Grounds.

† In Bennet Coll. Library.

|| These Acts, short as they are,

give an account of the Business that was done, and the Motions that were made, every single Day that the Convocation sat, from Nov. 5 to Decem. 17, except in the 4th. Session only, which was Nov. 25. where my Transcript of the Acts is a Blank: And there is but this One Day therefore in which it can be suppos'd that this Petition might have been drawn and presented.

(.) Sess. 3. 22. Nov. Ista die--- convenientibus--- in interiori Domo concordatum fuit, ut Dominus Prolocutor nomine totius Domus referret Rmo subsequentes Petitiones.

Viz. 1<sup>o</sup>. Quòd provideatur ut Ecclesiasticæ Leges Examinentur & Promulgentur juxta statutum Parlamenti editum 35 H. VIII.

2. Item ut pro nonnullis urgentibus causis Convocatio hujus Cleri, si fieri possit, assumatur & cooptetur in Inferiorem Domum Parlamenti, sicut ab antiquo fieri consuevit.

3. Item ut Opera Episcoporum & Alicum, &c. as before. p. 181.

4. Item ut Rigor statuti de Primitiis Domino nostro Regi solvendis aliquantisper in certis urgentibus Clausulis moderetur & reformetur si commodè fieri possit.

the Order they there lie; but give not the least Hint of this Second: nor does Archbishop Parker, in *Antiquitates Britannicæ*, where he speaks P. 339. largely of matters agitated in this Convocation, say a syllable of it.

On the Contrary, both He, and Bishop Burnet give us some Particulars, that do not seem very consistent with the supposal of such a Petition. Bishop Burnet's words are, That "the Act [which repeal'd the Statute of the six Articles] was occasion'd by a Speech that Archbishop Cranmer had in Convocation, in which he exhorted the Clergy to give themselves much to the study of Scripture, and to consider seriously what needed Reformation, &c. upon which some intimated to him, that as long as these Six Articles stood in force, it was not safe for them to deliver their Opinions. This he reported to the Council, upon which they ordered this Act of Repeal, [his Lordship means, <sup>† Hist. Ref. Vol. 2. p. 40</sup> agreed that the Repeal of this Statute should be propos'd in Parliament.] Thus his Lordship out of Archbishop Parker's Papers; and thus the Archbishop himself out of the Records of Convocation \*, *In Synodo Cranmerus Archiepiscopus habitò oratione de religione ex verbo Christi institutà populo tradendà, &c. consulendam duxit. Sed Legum adhuc de Sex Articulis Henrico Rege re-* <sup>\* Ex Archivis, he himself says.</sup>

*gante latarum severitas plerosque terruit quò minus suas de Religione reformandà Sententias liberè dicerent. Itaque impetravit à Rege Cranmerus ut interim dum illa Leges Parlamento abrogentur, Prælati de Religione in Synodo differentibus atroces illæ rigidaque pænæ luxarentur. Quod & concessum est.* A clear account is given here of the Clergys fears in relation to the Statute of the six Articles, and of their care to screen themselves from the sad Penaltys of it; but not a word of any Apprehensions they were under in reference to the Submission-Act. And with these Accounts that Passage in the Acts falls in

*Sess. 7. Dec. 9.*—"The same day were likewise appointed Mr. Dean of Winchester, and Mr. Dr. Draycott to associat Mr. Prolocutor to my Lord of Cant. to know a Determinat Answer, what Indemnitys and Immunities this House shall have to treat in matters of Religion, in Cases forbidden by the Statutes of this Realm to treat in.

They are concern'd here we see to be *indemnify'd to treat of matters of Religion* in some Particular Cases forbidden by the Statutes of this Realm, i. e. by the Statute of the six Articles, and another (35 H. 8. c. 1.) enforcing it: But as for a General License, authorizing them to treat in All Cases (such an one as this second Petition prays) they express no want, or desire of it. And yet had they wanted it at all, it was now high time to have had it; for five weeks of the Session were run out, when this Motion was made. Indeed

2. Had such a Petition for Liberty of Debate been presented, it had, in all probability, been the

the First step, which the Convocation, after they sat down, would have taken: whereas we find by the Petition it self, that it could not be drawn up, till the Session had continu'd some time; for the first Clause of it mentions a former Suit of theirs made to the Bishops, in order to be by Them promoted with the King; of which the Clergy had hitherto been expecting some Account from their Lordships, without receiving any. Further

3. The Paper it self ( that part of it, I mean, which prays a License ) has such manifest mistakes, in relation to the Submission of the Clergy, and the Statute enacting that Submission, as one cannot suppose the whole Lower House of Convocation could well fall into. For it confounds the *Preamble* of the Act with the *Body* of it; reciting that part of the Statute which declares the *Penalties*, and an whole *Proviso* at the End of it, as if they had been the very words of the Clergys Submission; which it is manifest they were not, and could not be.

My Lord of *Sarum* therefore not informing us, whether the Paper from whence he transcribed this form was an *Original* ( as when it is so, he generally does ) I must take leave to suspect that it was not; and to apply to it the words, which his Lordship himself uses about a *Proclamation* of an Extraordinary Nature, printed by *Kistler*. " If he saw but a *Copy*, we have reason to doubt of it; for that might be only the Essay of some Projecting Man's Pen†. The present† Vol. 2. Paper might be, and, it is likely, was no more P. 21. than the first Draught of a Petition fram'd by some Private Hand, but never agreed to by the Lower Clergy: And ( were it allowable

‡ Vol. 2.  
p. 47.

to guess at his Lordships Thoughts in this case) I should think that He himself had entertain'd some such Opinion concerning it. For though he has Printed this second Petition, together with the First, in his *Collection of Records*, yet in his *History* † he makes but a very slight mention of it, and gives no Account but of the First only: and yet this Last contains New Matter in it, of great Importance, and which, were the Paper, where it is, Authentick, would very well have deserv'd a place in the Body of his Lordships Work; and could not well have escap'd the Pen of so Discerning a Writer. One would think therefore that his Lordship had some secret Suspicions of the inauthoritativeness of this second Paper, grounded either on a View of the Manuscript it self, from whence he transcrib'd it, or on some other reasons which his Lordship has not been pleas'd to acquaint us with.

Indeed Bishop *Stillington*, who first produc'd it, seems to say, it was found among Archbishop *Cranmer's* Papers: which looks as if it had been lodg'd in his hands as President of the Convocation; and consequently were not a mere Draught only, but agreed to, and presented by the Lower House. For which reason, notwithstanding all the Probabilities there are to the contrary, I will suppose it Authentick; and if it were so, have this further to say to it: That if we allow this Petition to have been actually offer'd, yet it is certain that it had not its Effect, and that no License in Writing issu'd upon it. For if it had, we should never have heard of any such *Memorandum* in the Acts, as that I just now produc'd. It is manifest that at the Time of the Date of this *Memorandum*, the Clergy were not

*Licent*



*Licens'd*: for they could not then have needed an Indemnity to treat in particular cases; since the General Powers contain'd in that License would have been to all Intents and Purposes their Warrant and Security. And if they had not a Commission in five Weeks from the time of their Meeting, it will be easily granted me, that they had none afterwards. Indeed for the same Reason that this *Memorandum* proves, that the Clergy had no License now, it proves also that they were to have none: for had they not laid aside all Thoughts of a General License, they would never have ask'd for a Particular one, to indemnify them in some special Cases. On the

very day when they pray'd this Indemnity, the Acts say also †, that they appointed some Members of their own to solicit their Conjunction with the Commons; which was plainly in consequence of the first Branch of their Petition, intimating a Design of appointing such Solicitors. But as to the Second Clause relating to the 25 *H VIII.* and a General License, they now take no notice of it; but instead of it, desire only to be Indemnify'd from the six Articles. Which is a manifest sign, that they had now drop'd this Request, if they ever made it.

The Petition therefore, if put up in form, was most certainly quash'd above, by the Bishops, satisfying the Clergy, upon Advice had in the case, that such a Commission was needless. So that nothing can be more to the Advantage of the Clergys Freedom of Debate, than this Peti-

† Isto die communi consensu nominati & assignati fuerunt Magister Roland Merrik, Joh. ap Harry, Joh. Williams & Elizeus Price Doctores, in Sollicitores ad obtinendum Effectus sequentes, viz. That the Petition made, to have this House adjoynd to the Lower House of Parliament, may be obtained.

tion, supposing it Authentick. For as the Preferring it shews that the Clergy doubted at first whether a Commission might not be necessary to enable them to *attempt, entreat, and commune*, &c. so their acting without such a Commission afterwards (for act they did) is a clear Evidence that those Doubts were overrul'd as soon as started; and does in effect amount to a Determination of the Point in question. For the *Judges*, to be sure, or *King's Council* (and, it may be, both) were consulted in the Case; and did therefore (as the Event shews) give their Opinion against the Necessity of such a License; but not, it seems, against the Necessity of that Exemption from the Penaltys of the six Articles which the Clergy continu'd to pray, and which was now granted, according to their Prayer, as Bishop Parker † assures us.

† Quod &  
concessum  
est.--- See  
above. p.  
4 2.

But had we been in the dark as to the Event of this Petition, yet the very Time and Circumstances in which it was fram'd would sufficiently have accounted for it, and shew'd us the Unreasonableness of setting up this Instance as a Precedent. The Nation was then in an high Ferment, and the Popish Party both in the Convocation, and out of it, strong; and, to be sure, watchful to make use of all Advantages against the Reforming Clergy: in whom therefore it might be prudent to arm themselves for the Great Work they were going about (a thorough Alteration of the Doctrine and Discipline of the Church) with the Largest Powers they could procure, whether in strictness of Law they needed them, or not. They themselves could not well doubt, whether they had such a Freedom of Debate, as they were permitted to enjoy by

H: the

H. the VIII<sup>th</sup>. himself, a Prince jealous to the utmost of every the least Encroachment on his Prerogative, and careful to put every method, he fairly could, in practise, which might be of use to humble the Clergy. This Petition therefore cannot be supposed to express their Sense of the Act, but their Fears rather of the Contru-  
tion which some of the Men in Power might put upon it. And under this View a License might appear ( though not necessary in it self, yet ) useful to prevent the Malice of their Enemies, and to allay the Doubts of their Friends; to take away all Excuse from those who pretended to be under the Aw of that Statute; and every way to encrease, and animate their Party. It was no new thing, in that and the preceding Reign, for freedom of Speech, even when it had Right on its side, to ask Leave; a Practise stoop'd to by the Laity of those times, as well as the Clergy. For it was, we know, in the 33<sup>d</sup>. Year of H. the VIII<sup>th</sup>. † that the Commons made their first Request for Liberty of Speech, which has been since continu'd. And in his Son's Time ( the Time we are upon ) they have petition'd even for Leave to Treat, in particular Cases; 7.  
of which I shall give one Instance out of their Journals. In the Parliament begun 4. Nov. 3 E. VI. the Commons, ere they would attempt the Repeal of a Branch in a certain Act of Relief, made suite to the King for Liberty to proceed in it. The Words of the Journal are 18. Nov. " It is order'd, that Mr. Speaker with the King's " Privy Council of the House, and twelve others " of the House, shall be Suitors to know the " King's Majestys Pleasure by his Council, if " upon their Humble Suite they may treat of the  
D d + " last

† Sir Symonds d' Ewes Jour. p. 43. Elzing ch.

"last Relief for Cloaths and Sheep, at four of the Clock in the Afternoon.

"Nov. 20. It is reported by Mr. Speaker, the King's Pleasure to be by his Counsel, that the House may *treat* for the Act of Relief, having in respect the Cause of the Granting thereof.

"Nov. 30. Mr. *Comptroller* reporteth, that the King's Majesty is pleased with the *Petition* for the Relief, and giveth *License to treat* upon it.

"Dec. 11. A Bill was brought in for the Discharge of that Subsidy, and Repeal of the Branches wherein it was granted.

We see here what a profound Submission was in those times pay'd to the Prerogative, in the Point of Liberty of Debate, even by Parliaments themselves; and have with all a clear Proof, that Men may *Petition* for what is unquestionably their *Right*; and (which is more) may continue so to do for long Periods of time, without prejudicing their Right by such repeated *Petitions*. Which however is far from being the case in respect of the Clergy: for I have shewn it doubtful, whether the *Petition* alledg'd were ever presented; or, if it were, yet certain that it was overrul'd afterwards, no *License* issuing upon it; and that the Clergy neither had, nor thought they needed any such *License* for some succeeding Reigns. So that (to return to what led me into these Enquiries) no *Authentick Exposition* of the Submission-Act is to be had either from this *Petition* as *L. M. P.* imagines, or from the *Uninterrupted Practice of Convocations*, to which *Dr. W.* appeals. And if our sense of the Act therefore be not prov'd faulty by some be-

ter Mediums then these, it will remain unshaken.

Little now is left behind to this purpose unconsider'd, except the Opinion of Dr. *Cousins*, and Dr. *Zouch*, and a Resolution of some of the Judges \*: of Each of which some short Account shall be given. \* Mention'd by L. M. P.

Dr. *Cousins* in his Tables ( as they are now Printed ) lays down these Three Assertions.

*Synodus Provincialis, vel Nationalis, convocari non debet absque Principis rescripto.*

*Nec tractari, nec determinari potest aliquid in Synodo, nisi consentiente & assentiente Principe.*

*Nihil habet Vim Legis, priusquam Regius Assensus fuerit adhibitus his quæ Synodus discernenda censuerit.*

Of these the first and last Positions are easily admitted; but I desire to be excus'd from believing that the second, as it is now worded, was of Dr. *Cousins*'s drawing; since it contradicts the Practise of the Synods held under *Parker*, and *Grindall*, and his own Patron Archbishop *Whitgift*; and as far as we can learn, that of the Convocation in 1597, the Year before *Cousins* dy'd. The Tables therefore being not publish'd till after his Death, and after the Synod in 1603, 'tis reasonable to believe, that they had the General Fate of Posthumous Pieces, not to come out exactly as their Author left them; and particularly that they were, in the second Position, adjusted to the Practise of the Synod in 1603, either by the Editor, or by the owner of that Copy from whence the Edition was

was made. I should think that *Cousins's* Proposition ran thus, [*Determinari non potest*] *aliquid in Synodo, nisi consulto \**

\* For the Change of Consentientie into Consulto I have good Authority. And under this Reading, it is imply'd, that both the Request and Consent were Verbal.

& assentiente Principe; which by some unskillful hand that had seen the License in 1603. was alter'd into [*Nec Tractari nec Determinari potest*]: I say, an Unskillful Hand: for it is clear, and

I have shewn it, that that License it self does not go so far as this second Assertion; the Instrument reciting only a leave given to *Treat* and *Resolve* joyntly; that is, a Leave for the one, in order to the other: whereas here they are mention'd separately, and a License affirm'd necessary to the first, without respect to the Latter. Dr. *Cousins*, who was a Man of Skill and Exactness in these things, would never have expressed himself thus injudiciously, had he indeed liv'd to see an Instance of such a License practised: and we may observe therefore how nearly he traces the Synodical Form in the third Position; where the *Qua decernenda censuerit* is plainly taken from the *Decernendum censemus* we meet with in the Canons of 1597, and which I have already observ'd to be the highest Expression of Authority us'd by That, or any other of our Synods, that treated without a Commission.

P. 388.

Dr. *Zouch* rely'd implicitly on *Cousins's* Tables, and from them thus interpolated, transcrib'd these Positions *Verbatim* into his *Descriptio Juris & Judicii Ecclesiastici*: and therefore this is no new Authority.

The *Resolutions* of the *Judges* 8<sup>vo</sup> *Jac.* in my Lord *Cokes* XII<sup>th</sup>. Report, have somewhat more  
of

of Authority in them. But these also are calculated to the Course that had been taken 1<sup>o</sup>. *Jacobi*, and which perhaps my Lord Coke himself might have directed: neither do they oppose the Interpretation that has been given of the Statute, if we look narrowly into them; they are to this purpose.

1. "A Convocation cannot Assemble without the Assent of the King.

2. "After their Assembly, they cannot *confer to constitute* any Canons, without License from the King.

3. "When upon conference they conclude any Canons, yet they cannot execute them without the Royal Assent. It is not said here, that they cannot *confer* about Canons, which the Tables grossly affirm (and Dr. W. by placing the Comma between *Confer*, and *Constitute* †, † See p. 108. would vain insinuate) but only that they cannot *confer to constitute*; which is very true, if the meaning of the words be, that they cannot *so* confer *as* to constitute: and that this sense was intended by the Judges, appears from their Third Resolution, where the Phrase is thus vary'd, *When upon Conference they conclude*. I submit to their Opinion, that the Convocation cannot *confer to constitute* (that is, as they explain themselves, *upon Conference conclude*) Canons; and I infer from hence, that neither the Submission-Act, nor the License in 1603. can fairly be extended to a further sense, and that this is the utmost Restraint which the Clergy now lie under. Dr. W. seems to have been sensible of this, and has produc'd these *Resolutions* therefore, not at once, but by Piece-meal; craftily dividing the second from the third, and placing



† *Seep.* 108  
(129.)

† P. 38.

[P. 275.]

placing them at a convenient distance †, that we might not have the Opportunity of explaining the One by the Other. *L. M. P.* has dealt more fairly, and aboveboard; for he has cited all Three of them together †, though at the Evident Hazard of their appearing by that means to be nothing to his purpose. And, to give a further Strength to these Decisions, he adds, That *Godolphin* cites and admits them in his *Repertorium Canonicum*; a Book, which *Dr. W.* having mention'd with the utmost Contempt ‖, 'tis much that one who comes after him on the same side, should urge as good Authority. The *Dr.* pittys poor *Godolphin* for depending on *Sir E. Coke*, in a matter of Antiquity; the Letter-writer brings this very *Godolphin*, to confirm *Sr. E. Coke's* Opinion in a Point of Law; so little are they agreed upon the Character and Credit of their Witnesses! Poor as he is, *Dr. W.* it seems, has a Friend yet poorer than He; who would not else have vouchsafed to borrow from him. But why Poor *Godolphin*! he was as rich in Learning as his little Gleanings could make him; a Collector, and a Scribler: and how then comes *Dr. W.* to despise him? Methinks We second-hand Writers should learn to speak more respectfully of one another; because if We our selves do not, it is probable no body else will. Let *Godolphin's* Character be what it will, *Dr. Wake* could not have taken a more unlucky occasion of undervaluing him, than he at present makes use of. If I stop a little to state the Case between them, I hope I shall have the Pardon of my Reader. *Godolphin* had said, that *Church Gemot* denoted anciently what we call a *Convocation*, and vouch'd *Sir. Edward Coke* for it: the Letter to a Convo-

tion

tion-Man had asserted the same thing, though without citing any Authority. Dr. W. who is deeply learn'd in these *Researches*, insults them all Three, upon this suppos'd mistake; and with a scornful Air tells his Adversary, *I am confident be will be hard put to it to bring us any Author elder than Sir E. Coke, from whom as Poor Godolphin first, so as he now taken it at all adventures* †. What Authority that Gentleman had, † P. 275. or had not in his View, I cannot say; for That, I am sure, would be to speak at all Adventures, since He himself vouches none. But that there is an Authority for this Elder than Sir E. Coke's, and that Dr. W's Confidence therefore misled him, when he pretended to be sure there was none, I can safely affirm. For the Learned Sir H. Spelman has said this very thing, and repeated it at least four several times \* in the 1st. (that is, the most Authentick) part of his Glossary, which came out in 1626. many Years before the IVth. Book of *Institutes* appear'd abroad in the World. From Him my Lord Coke probably had it; for he quotes, I find, the very same Passage for it, out of the Laws of H. the I. † where Sir Henry's Transcript read *Cyric gemot* instead of *Scyresmot*, as *Wheelock* afterwards from the Exchequer-Manuscript it self Printed it ‖. This seems to be the Correcter Reading; however I dare not determine it so to be, because Sir H. Spelman, I find, had the perusal of two other

Manu-

\* In the words *Gemotum*, *Haligemot*, and *Chirchgemot*: and not there only, but again in his *Reliquiæ* too, where he has translated the passage in H. the I's Laws, into English, thus: "And whomsoever the Church-Synod shall find at Variance, let them either make an accord between them in Love, or sequester them by their Sentence of Excommunication, p. 54.

† Quosunque *Chirchgemot* discordantes inveniet, vel Amore congreget, vel sequestret *Judicio* c. 7.

‖ P. 180.

Manuscripts beside that of the Exchequer: and *Wheelock's* Edition, whether rightly Copied in this Instance, or no, yet is in several other respects faulty; particularly in the very next words to those Sir *H.* quotes, there is a manifest mistake: for instead of [ *Debet utem Scyresmot & Burgemotis, Hundreda, vel Wapentachia duodecies in anno Congregari, & Sex diebus anted submotum* ( which in the Margin is *Summonitionem* ) ] we ought to read, [ *Debet autem Scyresmot, & Burgmot his, Hundreda, & Wapentachia duodecies, &c. & 7 diebus antea summoniri* ] as the Passage is read in the Laws of *E.* the Confessor †, from whence these of *H.* the I. were taken.

† Pp. 147-148.

But which soever of these be the true reading, we have Sir *H. Spelman's* word for it, that *Chirchgemot* is a good *Saxon* word, and did in that Language signify a *Synod*, or *Convocation*. Had he not known it to have been so us'd in other places, he would scarce have mended a corrupt Reading by the Use of it here; for he was not like some small Dablers in Antiquity, that make two mistakes always, when they pretend to mend one; but a very sure, as well as a very modest Writer.

This short Digression was but necessary to repress Dr. *W's* indiscreet Vanity, who has ventur'd to decide peremptorily upon the use of a *Saxon* Word, though, I believe, he understands as little of that Tongue, as he does of the true state of this Controversy: and has usher'd in his Critical Remark with Language of good Assurance.—*I am confident* (says he) *that this Gentleman will be hard put to it, to bring any Author, &c. Confidence*, let me tell him, even where  
Men

Men are certainly in the right, is not over becoming: but where they are as certainly in the wrong, and are reprehending others that are in the right; there, no Quality whatsoever fits so ill upon a Man, or looks so untowardly. Some *Saxon Friend*, I suppose, had blown Dr. W. up into this Degree of Assurance; and were not Mr. *Nicholson* a little too distant to Impart, I should pitch upon Him to this purpose, as soon as any Man. For the Assertion is all over like One of his, both as to the Assuming Air, and the Mistake of it. I have given the Reader one proof of this kind before †; and, since Skill † P. 313. in *Saxon* happens to be here once again my Theme, shall take this Opportunity to add another.

Mr. *Nicholson* † professes himself “not satisfied with the Opinion of *Cambden*, *Lambard*,  
“*Spelman*, and generally, of All our English  
“Antiquaries and Historians, that there were in  
“this Kingdom before the Conquest three Codes  
“or Digests of Laws, which from the several  
“Countries where they first prevail’d, were  
“rightly term’d the *West Saxon*, the *Mercian*,  
“and *Danish* Laws: This Conceit of theirs he  
“imputes to a Mistake of *Laga* (in the Words  
“*Westfaxenalaga*, *Myrcenalaga*, and *Danelaga*)  
“for *Law*, whereas it signifies, he says, a *County*,  
“or *District*. Very Decisive indeed! But  
“one would have thought that the Great Council  
“of the Realm, which in *H.* the I’s Reign re-  
“enacted and enlarg’d the Confessors Laws, should  
“have understood the *Saxon* Tongue, and Times  
“pretty well; and yet they tell us,—*Regnum Angliæ tripartitum est in West Saxones, & in Mercenos, & Dacorum Provinciam. Legis eti-*  
“*am*

† *Hist. Lib.*  
Vol. 2 p.  
112.

*am Anglica trina est Partitio ad eandem distantiam* \*, and again,—*Legis etiam Anglica trina est Partitio ad superiorem modum. Alia enim*

† *Ib. p. 180* West Saxia, alia Mercena, alia Denelaga est †. A Particular account is given of the several Shires, in which each of these Laws obtain'd by For-

† *X Script. col. 956.* vallensis †, who, though he had no great share of Latin, is known to have understood both our Saxon Tongue and Antiquitys perfectly well. Or if his skill should be doubted, yet sure Gervase of Tilbury's cannot; and thus he writes concerning the Conqueror.—

*Propositis Legibus Anglicanis secundum tripartitam eorum distinctionem h. e. Merchenlage, Denelaga, & West-Saxonlage, quasdam reprobavit, quasdam autem approbans Transmarinas—Nor-*

‖ *L. i. c. 29.* mannia Leges adjecit ‖. And as to the Use of the Word *Laga*, a Charter of H. I. (drawn but Fourteen Years after the Conquerors death) will sufficiently clear it. There this passage occurs, *Lagam Regis Edwardi vobis reddo cum illis Emendationibus quibus eam pater meus emendavit* \*: Does *Laga* here signify the Confessors

\* *Archaion p. 176. & M. Par. ad ann. 1100.* Law, or his Country? Whether all this Old Evidence laid together may be allow'd to outweigh our Librarians New Guess, must be left to the Reader. If it does, it will be apt to raise in him no very advantageous Opinion, either of Mr. Nicholson's Skill in these particular matters, or of his Modesty in any.

But to resume our Argument,—“ We are told further, that K. James the I. in his Declaration prefix'd to the XXXIX Articles, and published with them, doth declare, That he is Supreme Governor of the Church of England: and that if any difference arise about the Ex-

“ termal

“ternal Policy, concerning Injunctions, Canons,  
 “or other Constitutions, the Clergy in their  
 “Convocations is to order and settle them, ha-  
 “ving first obtain’d Leave under our Broad-Seal  
 “to do so. If King James declar’d this, he † L. M. P.  
 declar’d it some Years after he was in his Grave; p. 41.  
 for the Declaration meant came not out till  
 1628. But let the Doctrine be whose it will,  
 it is very good; Leave under the Broad-Seal, it  
 is confess’d, must be had, to order and settle  
 any difference arising about Old Canons and  
 Constitutions, for that is in effect to make New  
 ones: but for any other Acts previous to this  
 Ordering and Settling, such a Leave is not neces-  
 sary, nor does the Declaration say it is; though  
 there are some words that look a little more  
 this way, than any of those produc’d by this wise  
 arguer; for it follows,—“Out of our Princely  
 “Care that Church-men may do the Work which  
 “is proper for them, the Bishops and Clergy from  
 “time to time in Convocation, upon their hum-  
 “ble desire, shall have a License under our  
 “Broad-Seal to deliberate of, and to do all such  
 “things as being made plain by them, and as-  
 “sented unto by Us, shall concern the settled  
 “continuance of the Doctrine and Discipline of  
 “the Church of England Establish’d, from  
 “whence we will not endure any Variance, or  
 “Departing in the least Degree. This latter  
 Clause must be explain’d by the former, where  
 the Doctrine in this point is profess’dly stated;  
 and there a Leave only to order and settle is  
 made necessary. Besides even here Deliberating  
 is not to be separated from Doing; nor a Leave  
 suppos’d requisite for the one, but as it is to end  
 in the other. This is a Form of Expression  
 E e found.

founded on the License practis'd in 1603, which I have already accounted for.

- And now nothing I think that carries the Face of an Objection has escap'd me, unless it be a small Remark made by Dr. W. on the Form of the Convocation-writ; wherein the King, he says, *reserves to himself the Privilege of naming the Subject, which they are to Deliberate and Resolve upon* †. 'Tis true, in another place he tells us, with his usual Consistency, that he does not found his Opinion of the Necessity of a
- † P. 111. License upon the Form of this Writ †: however even there he affirms this Writ *plainly to imply that some such License is to be expected from the King* †; and though therefore his Opinion be not founded on the Writ, yet he thinks it is mightily strengthened, and countenanc'd by it. But this is a Construction that no man living could have made of it, that had a true Understanding either of the Writ it self, or of the Times wherein it was fram'd. His account of the Writ runs thus—"In the beginning of it (says he) the King having mention'd by way of form, that for certain urgent Affairs of great Concern both to the Church and Kingdom, he had commanded the Archbishop to summon the Clergy to come together to such a certain place, and at such a certain time; he thus declares what they were to do, when met: Namely, that they were to Treat, Consent and Conclude upon the Premises, and such Other Matters which should be more clearly declar'd to them, when they came together, on the King's behalf. From hence he reasons in this manner,—that though "the Urgent Affairs of the King, Church, and Realm, which the Convocation



"vocation is in *General* to debate about, be the  
 "constant Introduction of every Convocation-  
 "Writ, yet this is *by way of form* only: for the  
 "King still reserves to himself to declare to  
 "them, and they are, when met, to expect his  
 "special Direction, and not ramble after their  
 "own fancys, or any matter within this Gene-  
 "ral Compass without his Warrant \*. But \* Pp. 111:  
 how false and forc'd these Colours are, will ap- 112.  
 pear if we consider,

1. That the Writs which summon the Barons  
 to Parliament, have much the same Introduc-  
 tion, with this for a Convocation; these also be-  
 ginning with a [*Quibusdam arduis & urgenti-*  
*bus negotiis, &c.*] as this does; and proceeding  
 to other Expressions, the same in sense with  
 the subsequent Words in the Convocation-Writ,  
 and in this only differing from them that they  
 are not quite so Expressive and Forcible. Now  
 Dr. W. will not, I hope, dare to say, that those  
 Words are plac'd also in the Lord's Writs *by*  
*way of form* only: and if not, how come they  
 to be us'd more by way of form Here than There?  
 Nay,

2. These words are so far from being plac'd  
 in the *Front* of the Convocation-Writ by way of  
 Form only, that they are expressly referr'd to in  
 the *Body* of it; where the Clergy are said to  
 assemble *ad tractandum, consentiendum, & con-*  
*cludendum super PREMISSES, i. e. super*  
*arduis & urgentibus negotiis*, before mention'd;  
 even as the Barons are in the same part of their  
 Writ said to meet *super DICTIS negotiis tra-*  
*ctaturi, &c.*] It is added indeed *& aliis qua-*  
*libet exponantur tunc ibidem ex parte nostrâ:*  
 which intimates that the King will also on his  
 E e 2 part

part propose some particular subjects of Debate to them, but precludes them not from debating on any thing except what he proposes. Nor can any Man, who considers the Date of these Writs, possibly think that this Meaning is to be drawn from them. For

3. They went in near the same Terms that they do now, 200 Years before the Submission-Affair pass'd, when the King's Power of confining the Clergy to deliberate on nothing but what he offer'd to them, was a Doctrine never dreamt of. And I hope, since the Words of the Writ are the same Now as they were Then, the meaning of them must be the same too: for though the 25 H. VIII. abridg'd the Convocations Privileges in several respects, yet it could not make the Words of their Writ signify otherwise than they did, when they were first inserted. Dr. W. himself hapned to stumble upon this Truth, though he wanted either sincerity, or skill to make use of it. The *Grand Question* had told him (what he tells us again, as if it had been his Own Observation) that this Clause

.. P. 160.  
4P.[113.]

|| It should be 38 H. VI.  
The Writ is to be found Cl. m.  
29. dors. ( See Pryn. Parl.  
Wr. Vol. 1. p. 91. ) Which  
shows from whence Dr. W.  
borrowed his knowledge, since  
he took this Mistake also a-  
long with it.

to be found in the Convocation Writs as far back as 28 H. VI. after which, a small share of Logick methinks might have taught him, that this Clause could never be intended to tie the Clergy's Debates to such Particular subjects as the King should allow them to deliberate

on. But he may be pleas'd to know, that it is yet an 100 years Older than he thinks it is: for I have seen Writs in the beginning of E. the II. with these, or the like words in them; par-

culu

cularly Cl. 7. E. III. ps. 2. m. 15. dors. the Archbishop and his Clergy are summon'd *Super dictis negotiis quæ Vobis ibidem ex parte nostrâ plenius exponuntur tractaturi, vestrumque Consilium Impen-* [ari, and 20. R. II. ps. 2. m. 12. dors. it ran almost in the same Syllables as it does now,—*Ad tractandum [concordandum] consentiendum, Et concludendum super præmissis, & aliis quæ sibi per Nos vel Commissarios nostros in hac parte clarius exponuntur tunc ibidem.* And a little acquaintance with the Old Acts of Convocation would have inform'd him, what this Phrase *ex parte nostrâ* meant; it being the Custom always for the King, soon after the Convocation far down, to send his *Nuntii Speciales* thither, which were some of his Prime Nobility, his Great Officers, or Judges; and by them to intimate his Demands, or Desires to the Clergy. And these therefore are said to come *ex parte domini Regis*, every where throughout the Archbishops Registers. Dr. W. cannot be ignorant enough to think that the Clergy had Then no Power of entering on any Deliberations except what those Honourable Messengers recommended to them.

*Prohibitions* were at that time usual, sent sometimes in Writing, and sometimes denounced *Viva Voce* by the Judges, who came along with the Great Men that brought the King's Message. By These the Clergy were forbid to treat of any thing wherein the King's Crown and Dignity was concern'd; which implies them at Liberty to treat of every thing in which they were not thus prohibited. Their Debates indeed were bounded by the Nature and Ends of the Assembly it self; which confined them to

Matters properly of Ecclesiastical Cognizance, and such as related to their Own Order, and did no ways entrench on the King's Prerogative, and on the Laws of the Realm. But in all other respects, the Debates and Proceedings of Convocation were then under as little restraint as those of Parliament.

The *form of the Convocation-Writ* therefore is of no manner of service to Dr. W. and had been better let alone by him than produced; as indeed all his Learning of this kind had; in which he is very Improper and Unlucky, for he scarce ever medles with a *Writ*, without giving the Reader some occasion or other to pity his Ignorance, before he has done with it. This (having secur'd the Two Points laid down at the Entrance of these Sheets against all Exceptions) I am now at Leyfure to make out upon him; and, by briefly running over what there is in his Book of this, or the like nature, to shew, how unqualify'd a Man he was to meddle in the present Dispute, and how utterly a stranger he is to all that Knowledge that is requisite to frame a True Judgment upon it. This shall be the Business of the Next and Last Chapter, which I shall draw into as narrow a Compass as conveniently I can, having already, I fear, expatiated a little too much in the Others.

## C H A P. IX.

**D**R. Wake has grac'd his *Appendix* with the Forms of several Writs; the First † of † P. 359. which is, he says, an *Antient Writ of Summons* for an *Abbat*, and the second, for a *Bishop* †, to † P. 361. come to Parliament. It seems, this Great Antiquary thinks that Bishops and Abbats were call'd to Parliament by Writs of a different form: whereas every one that is in the least acquainted with things of this nature knows, that whenever the Abbats had an *Immediate and Personal Summons*, their Writs ran in the very same Terms with those of the Bishops, the Clause *Premunientes* only excepted; and are therefore very seldom recited at length in the Rolls of Parliament, but entred onely with an *Eodem modo mandatum est*, or *Consensiles Litera diriguntur Abbatibus & Prioribus subscriptis*. But had he a mind for the Honour of the *Abbats*, whose order is now extinct, to record *Their Writ of Summons distinctly* in his Immortal Work, and by that means to preserve the Memory of it to future Ages, yet that he should single out that particular Writ he has printed, as an *Antient* one, and of the Reign of *H. III.* \* is a little unhappy; when it is certain that That Writ in all 359. its forms never went out till the Middle or Latter End of *R. II. i. e.* till about an 120 Years after *H. the III.* was dead and buried. The Introductory words [ *Quia de avisamento consilii nostri* ] are scarce found in any Parliament-Writ before 12 *E. III.* when they are two or three times us'd, and not afterwards till the 46 *E. III.*

\* P. W.  
Vol. I. P.  
115.

when they begin to be employ'd pretty constantly. The *Defence of the Church of England*, mention'd in the Close of it, never had place in any Writ till 6 E. II. (says *Pryn* \*); was never *ordinarily* insert'd, till the 49 E. III. and never in that manner in which it is express'd in this Writ, till towards the End of *Richard* the II's Reign. At which time, and so on downwards the Precise Form (Printed by Dr. W. for an *Antient* Summons in the Time of *H. the III.*) with little or no difference, regularly obtain'd. However Dr. W's Writ cannot be yet so Old as R. II. for it begins with *Henricus dei gratia*, &c. and must belong therefore to One of the Three *Harry's* that immediately succeeded him. Impossible therefore it is, that the Abbot of *Tavestoke* should ever be summon'd by this Writ, as he tells us † he was; since that Abbat was never call'd to Parliament after the 23 E. III. \* when this Writ was not yet heard of, till 5 H. VIII, ∴ when it was in some Expressions alter'd.

† P. 360.  
361.  
\* *Pryn* P.  
W. V. I.  
p. 144.  
∴ *Godwyn*  
*de Praesul.*  
part 2. P.  
180.

Dr. W. will perhaps lay the blame of all these Faults on *Reynerius's Apostolatus Benedictinus*, which he quotes there. But can it be any Excuse for him, who had so many near Domestic Helps towards clearing up these Mistakes, that One who wrote at a distance from all our Records has mistaken before him? However, even *Reynerius* himself, as much at a distance as he wrote, was better instructed than this comes to; for neither does he produce this as the Summons of an *Abbat*, distinct from that of a *Bishop*; nor as an *Old* one, much less as of the Time of *H. III.*; nor does he say, that the List of Abbats given by Dr. W. were by this Writ ever Summon'd. These are all Dr. *Wakes* new Lights, and Peculiar Improvements.

After

After all, if he thought a Writ of Summons to an *Abbat* would look well in his *Appendix*, how came that in the Annals of *Burton* † to be † P. 371. overlook'd; which is really of the age he pretends that the other is, and one of the most Antient Writs extant, being sent out in the 41 H. III. A<sup>o</sup>. 1256?

In the next Number we meet with an *Antient* Writ of Summons of a *Bishop* to Parliament †. And here again, Dr. W. can rise no † P. 361. higher than the 49 H. III. whereas we have a Writ of this kind 6<sup>th</sup> *Joh.* i. e. 60 Years Older than this; and two others of the 26 and 38. H. III. still preserv'd in our Records, and not in our Records only, but in the Printed Pieces of *Selden*, *Pryn*, and *Brady*: so that they can be a secret to none but those to whom every thing almost of this kind is so.

After the Abbats Antient Summons, he sets down a List of 24 *Abbats* and one *Prior* antiently Summon'd; believing this to be the fix'd number of them, whereas it frequently varied. In the 49 H. III. by that very Writ he Prints, no less than 102 *Abbats* and *Priors* were Summon'd; which *Dugdale* would have told him, had he transcrib'd that Writ out of Him, and not out of a Faulty Edition of *Elfyng*. I suppose he took it from thence, because I find the same Error there that I do in Dr. Wake's Transcript; *pro pace regni assensuranda*, instead of *asscuranda*: which in *Elfyng* is only a Mistake of the Printer, but Dr. W. took it for an Old Term of Art, and was nicely careful therefore to preserve the Spelling. In *Edward* the I. and II's times, 50, 60, 70. and sometimes 80 *Abbots* † 28 E. I. and upwards † were Summon'd; that the Num-  
ber  
Cl. m. 3.  
dors.



ber of the *Regulars* might be in some degree answerable to that of the *Seculars*, call'd up by the *Premunientes*, and the Parliament be a *Full* Representative both of the Clergy and Laity. About the middle of *E. II.* when the Clergy got ground upon the Crown, the Number of Summon'd Abbats decreas'd mightily, and was generally a few under, or above thirty, throughout *Edward the III's* Reign: when Convocations being now held a courle concurrently with Parliaments, all the Abbats and Priors of note came up thither, upon the Archbishop's Mandate; and were there ready to receive the King's Commands: and were excus'd therefore from the Parliamentary Writ, which was sent out only to such Abbats and Priors as held by Barony. Afterwards from the Reign of *E. III.* to the Reformation, their number always exceeded twenty, and fell short of thirty, says one excellently versed in these Enquirings: whose Observation however is not Universally true; for the 12 *H. VI.* † and 31 *H. VIII.* † are Exceptions to it; in both which Instances the Number of Abbats call'd fell short of twenty. This Inequality in the Latter Reigns seems to have sprung chiefly from the Vacancy of Abbys, or the Absence of Abbats, who were abroad either upon Embassys, or at General Councils; and had not in this case (as the Bishops had) their *Vicars general*, to whom the Crown directed Writs in their stead.

Nor Mistakes he only in the *Numbers*, but in the *Titles* also of these Abbats; for some that are not in his List (particularly the Abbats of *Waltham-Cross*, and *Cirencester*) were from the 49 *H. III.* downward, as constantly Summon'd as almost any of the twenty four he has set down;

† See Dugdale *Sum.*

p. 424.

† *Ibid.* p. 501.

down; and the Prior of *S. John's of Jerusalem*, much oftner than the Prior of *Coventry*, whom alone he has mention'd.

The next thing we meet with is a Bishop's Summons of the 23 *E. I.* † which is given us by the Dr. as the first Writ of the kind by which the Inferior Clergy were warn'd to Parliament †, † See p. 212. where as I have shewn that it went out in the 22 *E. I.* if not earlier; and have brought Vouchers for this, not from musty Manuscripts only, which are below the Dr's care, but even from his Old Friends and Acquaintants, our Printed Historians. And Methinks a Man so Historically inclin'd as He is, might have known what *Knighton*, and the *Annals of Worcester* say on this occasion.

But to let this Error pass, as a common one; yet in his next Article, where he pretends to compare the Clause *Premunientes* as it was settled 15 *E. II.* with the same as it is now †, his † P. 365. Mistakes are unpardonable. For whereas he tells us, that this Clause was settled 15 *E. II.* it is true neither ways; since long before this it was settled as much as now; going out in the same Terms often in the Latter End of *E. the I.* and beginning of *E. II.*: And long after his 15th. Year it receiv'd an Alteration that has by some been thought Material; for the Words *ad faciendum & consentiendum* were not constantly employ'd, but turn'd sometimes into *ad consentiendum*, even in *E. the III's* Reign; and never, that I can find, us'd after 5 *R. II.* from which Time to Ours the Writ has ran *ad consentiendum* only. The Clause *Premunientes* therefore was not perfectly settled till threescore years after 15 *E. II.* But that is not all; for neither in the 15 *E. II.* it self,

† P. 2.

self, was it so settled as Dr. W. represents it to have been, who makes it to premonish *Priorem & Capellanum, Ecclesie*, instead of *Capitulum*; and repeats this fenceless Mistake no less than thrice in the Compass of this short Clause; to shew us that it was not the Error of his Pen, but the Effect of pure Ignorance. It seems, he found it thus set down in an Ill Edition of the *Abridgment of Records*†; and the Errors of that Book too are all sacred with him. Dr. W's Enemies, as meanly as they may think of his Abilities in these sort of studys, must yet allow him to have One good Property of an Antiquary; for he copys every thing with great nicety, and religiously transcribes even the Verbal Mistakes of those Authors he deals with. Whatever Other Alterations he is for, You shall never find him venturing to alter a faulty Text: for as he knows no Truth, that is not in Print; so he takes every thing for true, that is.

The same Evidences of his Skill meet us in every Article; for again, *Num. III.* we have him following such another Blind Guide, into a Mistake as gross every whit, as the former. For he recites that part of the Old Convocation-writ, where the Constituent Members are reckoned up, after this manner—*Universos & singulos Episcopos vestra Provincia, ac Decanos & Præcentores Ecclesiarum Cathedralium, Abbates, &c.* Any Man that had ever read Two of these Writs must have known, that *Præcentores* here should be *Priores*; and without having seen a second Writ, might by dint of Common Sense have smelt out so plain an Error as this: but Dr. Wake found the word thus in *Fuller*†, and took it as he found it; without raising any Scruples

† *Ch. Hist.*  
XVI. Cent.  
V. Book P.  
190.

to himself, which it was not in his power to lay.

After all, when Dr. W. makes these *Præcentores Ecclesiarum Cathedralium* to have place in Convocation, he speaks a greater Truth than he is aware of. For there are a Few Instances on Record, when they were really call'd up thither, with the rest of the Cathedral Dignitaries, the *Chancelors*, *Treasurers*, and *Capitular Archdeacons*. Thus the Case was twice under Edward the III. in his 25th. † and 29th. † Years, † See Regist. Winchester. when the Exigences of the Church requir'd that the Clergy's Assembly should be Numerous and chelsey f. Full; and when it was in the Archbishops Power (as it Then was) to summon whom he pleas'd to the Convocation, in like manner as the King could to the Parliament. 142. † Ibid. f. 147.

These small matters were not worth insisting on, but to satisfy the Reader how unacquainted Dr. W. is with the Forms of all sorts of Writs, either for the Convocation, or Parliament, *i. e.* indeed with the first Elements and Grounds of this Controversy; which can never be rightly understood, or stated, without an Exact knowledge of the Nature and Kinds of these Writs, and the several Alterations they under went in different Ages. For Dr. W. has rightly observ'd, that *at first these Summons were very properly drawn, and do mark out to us the Undoubted Rights of those to whom they were sent, as they were allow'd of in those Antient Times* †, which † P. 214. holds not only of the first Draught, but of the several Changes made in them afterwards. And if so, it is very wonderful that our Author, when he was about to state the Rights and Powers of the Clergy in Convocations and Parliaments,

ments, should not above all things have studied and compar'd these Forms, and endeavor'd to give us an Exact and Particular Account of them. A few Observations of this kind, drawn from our Manuscript Registers, would have been of more use towards settling the Point in Debate, than Volumns of such Common Trash as he has produc'd out of our Printed Historians. It has been my care in several parts of this Answer to make up this Defect of *Dr. Wakes*, as far as the Old Collections I had made, and the few New Opportunities I have had of improving my knowledge this way, would allow of. Had the Way to these Records been as open and easy to me as it was to *Dr. W.* I would have endeavor'd that nothing should have been wanting on this argument.

The Mistakes I have hitherto laid open in this Chapter, belong only to the Three First Articles in *Dr. W's Appendix*: of the Four remaining ones, the Last has been examin'd thoroughly already, and upon enquiry we have found, that from the beginning to the end, there is scarce a true Line in it. The same thing I have assur'd † the Reader concerning the VI. also, though I wav'd the Proof of it, because it would be Tedious: but if *Dr. W.* demands it, it shall be forthcoming. The IVth. and Vth. are barely Copys of the *Submission-Act*, and of *K. Charles Commission* to the Convocation in 1640, in which there was no room for Ignorance to shew it self, and therefore the Mistakes he has there made must be willful ones. And willful ones therefore he has made, giving us such deceitful Transcripts † of Both these Records, as omit some of the most Material Parts of them. In short then, among these

† P. 355.

† As I have shewn p. 85. in the Margin, and p. 96.

these several Vouchers, which Dr. W. has brought to credit his Work, there is not one that does not some way or other blemish it, and betray in him a manifest want of Skill at least, if not of a much better Quality: And the whole *Appendix* therefore is throughout of a Piece with it self, and with the Book it belongs to.

Here his Mistakes lay collected to our Hand, but there are many more to the same purpose scatter'd through his Book; which should be brought together and represented in One View to the Reader. I am weary, and hastning to Close: however I shall give him a sight of some few of them.

We have seen already how the Dr. out of his *Especial Grace and Mere Motion* has Summon'd the *Precentors* of Cathedral Churches to Convocation: which was very Obliging to *Them*; but not very kind to the *Priors*, whom he left out, to make room for them. He is as Liberal of his Favors to the Lower Clergy too, for he tells us, that the Convocation-Writ calls *two of every Archdeaconry* to the Synod; and the Clause P. 104. *Premunientes*, as many out of every *Archdeaconry* to Parliament †. His Own Writs in the † P. 150. *Appendix*, if he had read them, would have prevented this mistake, and have told him (what one would think a man should scarce need being told) that there come but two *Proctors* from the Clergy of any One Diocese (for Instance, that of *London*) though there happen to be never so many *Archdeacons* in it. The *Archdeacons* indeed choose two a Piece: but out of *Them* a New Choyce is made of two to represent the whole Diocese.

The

† *Nicolson*  
Hist. Lib.  
Vol. 3. p.  
66.

|| Vol. 1.  
p. 177.

The only thing that can keep Dr. *W.* in countenance, is, that a certain Brother-Writer of his, a Member of Convocation, knows as little of these things as He does. For his account of the Bishops Writ, is, that it *commanded Them to attend, accompany'd with the Priors, Archdeacons, and Proctors of the Clergy* †: as if the *Premunites* had Summon'd all the Priors, and no Deans! But how can we expect a true account of Writs from Him who gives us so false an one of the Books which they are contain'd in? For concerning *Dugdale's Summons* thus, in the same Page, he instructs us, that it is "a perfect Copy of all Summons of the Nobility, &c. from the 49 H. III. to the present times; and there-  
"in also (he says) we shall find the like Man-  
"dates for the Clergy and Commons †. Which shews evidently that he never saw the Book: for there are but Two Writs in it for the *Commons*, and not One for the *Clergy*, properly so call'd, that is, for the whole *Body* of them. But I remember his Words of *Bale* (such another Rash and Rude Writer), who had misjudg'd of a certain Piece—"The Character might be true,  
"say he, for any thing (perhaps) that He knew;  
"but 'tis that Writers way, to give accounts of  
"Men, and their Labors, at random ||. Words, which had Mr. *Nicholson* carry'd in his Eye throughout the Course of his Work, it would have been much shorter, and much better than it is at present: the Three Parts of his Historical Library would have shrunk into one, had he confined himself to say nothing of Books, but what he *knew* of them. And this, I assure him, is a *Character* not given *at Random*! But not to loose sight of our Principal Author,—

Dr.



Dr. W's Nicety and Exactness in this part of knowledge appears again in his account of the *Persons*, of which the Lay part of the *Parliament* was antiently compos'd: for he tells us, that in the 6 E. III. the *Dukes and Barons* went aside to consult †; whereas it is famously known, † P. 219. that there was no *Duke* in *England* till the 11th. of E. III. when the Black Prince was first made Duke of *Cornwall*. How he came to quote the *Abridgment of Records* † for this mistake, I can- † P. 11. not divine; where there is not a word of *Dukes* mention'd, any more than there is of that *Parliament* being call'd for the *Affairs of Scotland*, for which also Dr. W. very gravely vouches it. In *Elfyng* ∴ indeed these Two Mistakes are to ∴ P. 99. be found; but I suppose they were none of His, but his Printers: And had Dr. W. consulted the *Abridgment*, as he pretends, he would have known so too; and have drop'd this learned Remark about *Dukes*, and the *Affairs of Scotland*.

If we ask this Knowing Gentleman, what the Inferior Clergy are Summon'd to Parliament for, and empower'd by their Writ to do, he will tell us, that the *Parliament-Writ* *Summons them to come to Parliament, there to Treat with the King, &c.* The Convocation-Writ calls them to Consult only among themselves \*. Whereas again his Own \* P. 225. *Appendix*, faulty as it is, would have truly taught him, that the *Parliament-Writ*, as it now stands, summons the Inferior Clergy *ad consensendum*, not *ad tractandum*; and the Convocation-Writ *ad tractandum, consensendum & concludendum*, not to consult only. The Last of these does expressly summon them to *Treat*, and  
F f yet

yet he says, it does not; the First does not, and yet he tells us, it does.

After this Wild Account of the Writs to the Clergy, we are not to wonder, if he mistakes as much in those to the *Commons*; the Impowring Words of which, he assure us, were about the 26 E. III. thus alter'd *ad tractandum, Consulendum, & Faciendum*, and ran so, on to the 46th. of the same King, when they were again worded, *ad faciendum & consulendum*, and so have

- † P. 213. continu'd to this day †. Every particular of which account is false: for the Writ to the Commons 26 E. III. ran *ad tractand, consulend, & consentiend.* \*; and so it did several Years before this, viz. in the 21 E. III. †. And between the 26 and 46 E. III. the Phrase frequently varied: for in the 36th. it was *ad consentiendum* only:; and so on the 44th:; when it chang'd into *ad consulend. & consentiend.* †. And in the 46th. it ran, *ad faciend. & consentiend.* (not *consulend*) (a). And thus indeed it has, for the most part, continu'd to this day: However not always; for as low as the 7th. of R. II. it call'd them *ad consentiendum* only (b). I defy any Man to make more Mistakes in so few Words as Dr. W. has done. One or Two of them, I find, he has with Great Industry pick'd out of the Grand Question (c); but where he got all the rest, I cannot imagin.

P. 104. He makes it a doubt, whether the settled number of the Inferior Clergy, call'd by the Bishops Writ, was deriv'd from thence into the Convocation-Writ, or from the Convocation-Writs into those of Parliament: which is, in effect, to doubt, whether the Deans, Archdeacons, Capitular and Rural Proctors were call'd to Convocation

\* Pryn. P.  
W. V. 2.  
pp. 92, 94.  
† Ibid. 95.

..Ib. p. 107.  
..Ib. p. 102.  
|| Ib. p. 106.

(a) Ib. p.  
(113).

(b) Ib. p.  
117.

(c) P. 156.

vocation; before the Bishops Writ had that Clause in it. And he who doubts of this, puts it beyond a Doubt, how far He is qualify'd to write on this subject.

The 49th. of H. the III. is not more famous for sheathing the Old Barons Swords, than for Exercising the Pens of our Modern Writers. Much has been said of it in relation to the *Parliamentary Interest* of the Commons Temporal; Dr. W. seems to make it the *Æra* of that of the Commons Spiritual too; for thus he speaks of it. "Whereas before the 49th. of H. III. only the Bishops and Abbots, who held of the King by their Baronys were wont to be summon'd to Parliament; in that Year, when the Commons began to be call'd, several of the *Inferior Clergy* were also call'd together with them; and that, for ought appears, in a larger Proportion than the Laity themselves were †. Here are † P. 209. two Assertions, in the last of which he is kinder to his Function than will consist with Truth, and in the First not so just as he ought to be. For long before the 49th. of H. III. not *Bishops and Abbots* only, but (I hope) some *Priors* too, were call'd to Parliament. We will suppose him to have comprehended These, under *Abbats*; yet even thus his account is very defective. For not those *Abbats* and *Barons only*, who held by *Barony*, were call'd, but many more than these; and oftentimes the whole Order. The first Parliamentary Summons left † calls all the *Abbats* † 6. Job. and *Priors* of the Diocese together with the Bishop of it: and the *Priores Installati, & plenum sub se Convantum habentes*, are (I have shewn already) several times mention'd by *Paris*, as having a General Call to Parliament. Who

speaks also not seldom of the *Decani, Archidiaconi, & alie Ecclesiastice Personæ* as present. † And so Dr. W. who would be thought to know All our Annals of Burton-See Historians so intimately, should methinks have Pp. 301, had some sort of acquaintance with the best of 302. of this Book. them, *M. Paris*: at least he should not, till he had read him, have ventur'd to determin any thing concerning the Constituent Members of the Great Councils in *H. the III's* time, of which we have no where so just an account as in that accurate Writer. But he makes his Order amends in what follows: for "in the 49th. "*H. III.* (it seems) when the *Commons* began "to be call'd, several of the *Inferior Clergy* "were also call'd together with them, and that, "for ought appears, in a Larger Proportion "than the Laity themselves were. Were they so? How came then our Historys and Records not to have mention'd it? From none of which can it be certainly learnt, that there were any of the Clergy call'd to this Meeting, below Abbats and Priors, but five *Deans* only. It may be, many of Inferior Rank might be summon'd too: but if they were, 'tis more than can be prov'd; for there is not, I believe, the least Hint of such a Summons remaining: sure we are, that they could not be call'd up in the same way that was afterwards practis'd, for the Bishops Writ of that Year is on record, and has no Warning Clause in it. But it may be, the *Abbats, Priors, (and Deans)* that held not by *Barony*, are Dr. W's *Inferior Clergy*: let them be so, their Number in this Instance did not amount to above Eighty; whereas the *Knights, Citizens, Burgeses, and Barons of the Cinque Ports* must have been four or five times that Number.

Whence

Whence he drew this Piece of History therefore, I cannot divine. The Learned Person, † I am †Dr.Brady sure, whom he vouches for it, in his Margin, has not a Letter this way, in the Pages cited: but he thought the Reverence Men had for the Character of that most Knowing Antiquary, would have made them take every thing implicitly for Truth, to which his Name was set, and have prevented all further Enquiries.

In what Place the Clergy call'd to Parliament met, Dr. W. professes himself *not to have found* \*; \* P. 221. but he thinks it *not improbable*, that it may have been at *St. Pauls*, because their Other Convocations were usually held there \*. But I think it very improbable, that while they were, strictly speaking, a Member of Parliament, they should meet so far from the Place, where it open'd and sat; as improbable, as that the Commons should have met at the same Distance from the *Lords. Westminster Abby* was somewhat nearer, and more convenient; and if the *Commons* had the Use of the *Chapter House* there, we may reasonably believe, that the Clergy too were accommodated with some Other Room in that Monastery; as indeed they antiently were: for sometimes we hear of them in the *Capella Monachorum infirmorum* (a), which is call'd also *Capella S<sup>ta</sup>. Catharinæ* (b); and sometimes in the *Capella S<sup>ti</sup>. Joannis Evangelistæ* (c), when the Parliament, we find, was open'd, and all the States of it came together, in *Refectorio Monachorum* (d), and continu'd so to do, for at least Fifty Years afterwards: for *Math.*

- (a) *Hoveden* ad ann. 1194. p. 735. In Concilio Northampt. vide Benedict. Abb. Apud Cotton Reliq. p. 212.  
(b) *Diceto* inter X Scriptores c. 589.  
(c) *M. Par.* ad ann. 1244. p. 640.  
(d) *M. Par.* ibid.

of *Westminsters* Relation in 1294 implys, that that was Then the place, where the Spiritual

(e) *Congregatis in Refectorio Monachorum Westm. Surgens unus Miles Joannes de Haueving dictus in medio eorum, dicebat, Viri Venerabiles, &c.* p. 422.

and Lay part of the Parliament met one another (e). Upon the Division of the Two Houses, the Commons sat in the *Chapterhouse* of the Abbat of *Westminster*: Dr. W. observes that this is mention'd in the *Abridgment*

of *Records*, 50 E. III; and might have observ'd, how it is mention'd there, as the *accustom'd* (or rather, as the Roll it self speaks, the *Antient* \*)

\* Auncient place.

Place of their assembling; which implys them to have sat there probably from the time of their Separation. Not many Years after this, they seem to have exchange'd this Place with the Clergy, and to have sat themselves in the *Refectory* of the same Abby, for in the 9 H. V. the *Chapterhouse* appears to have been the Place of

\* See Walf. *Hist. Angl.* ad ann. 1421.

Reception for the Convocation Clergy \*; and in the 4 H. V. the Rolls say, "*Le Chancelier per commandement du Roy assigna a les diz Chivalers, Citizeins, & Burgeoises une Maison appelee le Froitour dedeinz L'abbey de Westminster, a tenir en ycelle leur Counseilles & Assemblies*: and in the 6 H. VI. it is said to be the place, where the Commons ordinarily sat ||, in a Manuscript of Mr. Petyt, printed by Bishop Burnet †.

|| The Roll goes further, and says, *Eorum Domus Communis antiquitus usitata.*

† *Hist. Ref.* Vol. I. *Coll. of Rec.* p. 100.

But though the Place of their Meeting puzzles him, yet the Time, it seems, does not; for as to That, he informs us, that the Clergy who met by vertue of the Convocation-Writ in Parliament

liament time, came together *heretofore* on some  
*Other Day* than that on which the Parliament  
 began †. He knows not, it seems, that they † P. 224.  
 have done so *a late* too, and that the Custom  
 for an Age and half was for them to assemble  
 the Day after the Parliament. This Usage be-  
 gan in the time of *H. the VIIIth.* and was then  
 often practis'd; but not regularly fix'd till to-  
 ward the latter End of his Reign: from which  
 time to the late Revolution it held; and from  
 thence the Parliament and Convocation-Writs  
 have Summon'd to the very same day; which  
 has joyn'd these two Bodys yet more closely  
 than formerly, in their *Summons*, though  
 their *Assemblies* at the same time are more than  
 ever divided. My Lord of *Sarum* therefore had  
 not well consider'd this matter, when he said,  
 that it was *the Custom of all H. the VIII's Reign*  
*for the Convocation to meet two or three days af-*  
*ter the Parliament* †. For besides that it some-† Vol. 1.  
 times met *before* it, (for instance, in 151½. the P. 213.  
 Convocation came together, Feb. 2. \* the Par- \* Registr.  
 liament not till Feb. 4. †) the very Instance up- Hadr. de  
 on which his Lordship produces this Observa- Castello.  
 tion, destroys it; for the Convocation of 1536. † Dugd.  
 began *June 9th.* the Parliament, *June the 8th.* Summ. 3  
 And indeed near half the Convocations in that H. 8th.  
 Princes time met (as they did till the present  
 Reign) nicely the day after the Parliament, as  
 will appear by particularly comparing the Dates  
 of both of them.



Parliament Met,	1514 <sup>†</sup> Feb. 5. Dugd. Sum.	Feb. 6. Registr. Warham.
	1515 Nov. 12. Ibid.	Nov. 13. Registr. Hadr.
	1536 June 8. Ibid.	June 9. Ibid. (de Cast.
	1540 Apr. 12. Bp. Burnet V. 1. p. 274.	Apr. 13. Registr. Cran- mer.
	1544 <sup>†</sup> Jan. 30. Dugd.	Jan. 31. Ibid.
	1545 Nov. 23. Ibid.	Nov. 24. Ibid.
Convocation Met,	1547 <sup>†</sup> Jan. 14. Ibid.	Jan. 15. Ibid.

And the same Distance of Time was often also observ'd both in Proroguing and Dissolving that Princes Convocations and Parliaments.

As to the *Authority* by which the Clergy were conven'd, Dr. W. affords us as little light in That Point too as in any of the former. He recites the Opinion of some who think that after the *statute of Premunire in 1393. our Archbishops left off to summon Convocations by their Own Authority, and call'd them only at the King's Com-*

† Pp. 240, 241. *mand* †: but in this account, he says, he is not altogether satisfied. Had he any manner of Knowledge of these things, he would not be at all satisfy'd with it. For as in Fact it is certain, that the Archbishop after this time summon'd Convocations frequently by his Own Authority, so it is clear in point of Law, that he had as much Right to do it, after the Statute of *Premunire*, as before it; there being no Clause, or Words

Word in that Act, that can be suppos'd to restrain His Power in this particular. Indeed had the Archbishop, whenever he call'd a Convocation without the King's Writ, done it by a *Legatin Authority* (as Dr. W. represents him to have done \*) there would have been some \* P. 241, Ground to think that the *Premunire* Act might 199. have laid a Restraint upon him. But this is another of Dr. W's mistakes: for the Archbishop needed no Help from his *Legatin* Character to convene the Clergy of his Province; which he was sufficiently empower'd to do as *Metropolitan*, by the Old Canons of the Church; receiv'd and allow'd in this Kingdom. And accordingly by this *Metropolitcal* Power, the Archbishops all along call'd *Provincial Councils*, before any of them were the Popes *Legates*, which from St. *Austin* down to (Theobald say some \* to) William de Corboyl (say others †) none of them were. He indeed, by virtue of his New Character, summon'd the Archbishop of *York*, and all the Clergy of that Province to his Councils; and One of his Successors ||, who is suppos'd by some to have got the Title of *Legatus natus* for ever annex'd to his See, did *Jure Legationis* visit *York* Province †. And in order to these *Ex- + Hoveden* *traprovincial* Acts of Jurisdiction, the *Legat* ad ann. *tine* Authority was indeed needful. For tho' 1195. it had been solemnly determin'd in favour of *Lanfrank* by the Great Council of the Kingdom, that the See of *York* should be subject to that of *Cant*, and the Archbishop of the One 685.

\* Ant. Brit. p. 127.

† Gervasii Aft Pont. Cant. X Script. col. 1663.

∴ Ibid. & Continuator Florentii Wig. ad ann. 1127. || Hubert.

+ Hoveden ad ann. 1195.

∴ Dico de Archi. Cant. p. 685.

One obey the Conciliary summons of the other; yet was not this Decifion long observ'd, the Archbishop of *York* soon finding means to get rid of it, and to assert the Independency of his See. But as to the Ordinary Acts of Metropolitcal Power (One of which was the calling of the Clergy of his Province together at Times prescrib'd by the Canons) the Archbishop had no more want of a *Legatine* Character, to qualify him for the Exercise of them, than a Private Bishop had (or now has) for summoning a Diocesan Synod; nor was it, as the Law then stood, any more an Encroachment upon the Royal Authority. Dr. *W.* therefore is not very kind to the Memory of our Archbishops, nor a Friend to the Antient Libertys of this Church, when he asserts, that all those Synods which the Metropolitan call'd without a Writ from the King, were *Legatine*; and upon that notion, dates the Disuse of them (at least as to their frequency) from the Statute of *Premunire*, which did no ways, and could no ways affect them. For after this Statute most of *Arundel's* Synods met by the Archbishop's Writ only; as Dr. *W.* † himself tells us from *Harpsfield*, and might have told us yet more authentickly from that Archbishop's Register yet remaining. This account of *Harpsfield* puts him upon fixing on a New *Era*; and now therefore he will have it, that about the End of *Arundel's* time the King began wholly to assume this Power; and this he thinks to be no *Improbable Conjecture* of Fuller our Church-Historian ‖. When the Authority of a Conjecture of Fuller's is appeal'd to, one may be sure that both Authorities and Reasons run low with him.

Let

† P. 280.

‖ P. 230.

Let us ballance the Authority of a Conjecture of One Church Historian with the Records printed by another † at the End of his first Volumn. Amongst which One of the first that meets us, † is, a Mandate for a Convocation issu'd out by Archbishop Warsham in 1509, without the Recital or Mention of any Previous Writ from the King to that purpose. This Instance I have particularly pitch'd upon, because Dr. W. has strengthened this Guess of Fuller's by another of his Own; concluding from the Assertion in the Submission-Act, that the Convocation certainly met by the King's Writ *all H. the VIII's time, and for some considerable time before \**; whereas this Synod \* P. 231. in the first Year of that Prince met, as far as appears, by no Provincial Summons, but what was from the Archbishop only.

How the Clergy, when met either in Convocation or Parliament, consulted, is another Curious Part of Knowledge which Dr. W. endeavors a little, and but a little, to supply us with. Something he says of the Spirituality sitting and acting separately from the Lay-part of the Parliament †, and something he seems to hint of † P. 221. the Inferior Clergys sitting apart from the Bishops after they had a *Prolocutor* of their own †. † P. 220. And this is all he knows of the matter. I will add a few Particulars on this Head which a man of his *Research* methinks should have been no stranger to.

That the Clergy in Synod, whether meeting with a Parliament, or at different times from it, sat ordinarily together for many Reigns after the Conquest, is pretty well agreed on: the Like Practice of Parliaments proves it, and the Phrase of

† See it in  
Malmsbury  
ad ann.  
1075.

\* Ad ann.  
1256.

† P. 920. l. 10. And in  
another place it is said of him.  
In cuius Ore posita fuerunt  
Verba Episcoporum exponenda  
p. 918. l. 6.

|| See a Record to this  
purpose in  
Dr. Brady's  
Introduction  
on Ap. p. 29  
and p. 37.  
\* Ad ann.  
1142. Hist.  
Nov.

of our Elder Historians, who speak of the Clergy always, as meeting in some One Particular Place, without giving us the Names of several Rooms in which they sat apart, or intimating that they usually subdivided. The Canon † made in *Lanfrank's* time to restrain all under Abbats from speaking in Synod without the Metropolitans Leave, implies that the Greater and the Lesser Clergy then sat together: so does the Account in *M. Paris* \* of a Synod in his time call'd by *Rustandus*, where *Magister Leonardus* (an Inferior Clergyman) is term'd *quasi Cleri Advocatus*, & *Prolocutor Universitatis* †. It seems, he was deputed to deliver the sense of the whole Synod, both of the Upper and Lower part of it; who therefore, we may presume, now sat and debated together. The Custom also of Bishops sending Inferior Clergymen to represent them, though it held long after the Convocation divided, yet to be sure had its rise when they were together, and proves that originally they thus sat. Indeed when the Archdeacons came with *Procuratoria* from the Inferior Clergy (as they often did till *E.* the first's time) 'tis not to be believ'd that they separated from the Greater Prelates, but deliberated and voted with them, as the Knights of Shires did at first with the Barons ||. Not that the several Ranks of the Clergy did not even then act separately upon occasion: The Instance of the Council of *Winchester*, in *Malmsbury* \* is a plain proof of this; at which he tells us, the Legat consulted with the Bishops, the Abbats, and the Archdeacons severally; and informs us withal, that

He

He himself was present in this Council †, so

that his account is to be depended on. When the Proctors of the Capitular and Dioceſan Clergy came to be a certain and ſtanding part of theſe Councils, ( as they did in the 13th. Century ) they too ſometimes conſulted a part, and made as it were a diſtinct State by themſelves. Thus we are told of Two ſeveral Con-

vocations in the Year 1296. by the Chronicle of

Dunſtable †, ( written at that very time ) Con-

gregatio diviſa erat in Quatuor Ordines, ſive

Turmas; Episcopos ſcilicet & eorum Procuratores

ſeorſum, Decani, Cathedrales & Archidiaconi

ſeorſum, Abbates, Priores, & alii Prelati ſeorſum,

Procuratores Communitatis Cleri ſeorſum.

Into ſuch Committees as theſe the Convocation,

I ſuppoſe, ſubdivided all along, down from

theſe Times to the very Reformation, as often as

there was occaſion for it; though for the greater

part of that Period, they ordinarily ſat and con-

ſulted together in Two Bodys, as they do ( I

mean, ſhould do ) at this day. In

Arundel's Register \* therefore we

find; the Biſhops often treating

ſeparately from the Abbats and

Priors; and in one of Chicheley's

Synods ||, it appears that the Pro-

ctors of the Inferior Regular

Clergy granted ſubſidys ( and therefore, we may

preſume, conſulted about them ) apart from the

Dioceſan Clergy. And as low as 1529. in the

Acts of the Synod of that Year this paſſage oc-

curs ||. *Excluſis omnibus præter Suffraganeos,* || Sels. 4.

Reve-

† Cujus Concilii Aſſioni quia interfui, integram Veritatem Rerum Poſteris non negabo. From whence alſo one would gueſs, that more of the Inferior Clergy were there, than are in the General Diſiſion of the Members expreſſed; unleſs we ſhall ſay that Malmsbury came as the Proxy of his Abſent Abbat.

† MS. in Biblioth. Cotton. Tiberius. A. 10.

\* Archiepiſcopus conſultis ſeparatim Episcopis — ad Off. 8. 1399. Iterum ad ann. 1396.

|| A<sup>o</sup>. 1438. See Duck's Life of Chicheley.

\* In MS.  
Convocati-  
onem.

*Reverendissimus habuit Communicationem \* cum eis. Intraverunt postea Abbates—illis Exeuntibus, intraverunt Fratres Mendicantes quatuor Ordinum; cum quibus Reverendissimus habuit seriam communicationem. Postea ingressus est Prolocutor cum quibusdam de Clero.—*

At what time the Two Houses of Convocation divided, is not easy to say; but it was not, I believe, till after the Commons had separated from the Lords: and therefore in all E. the II's Reign, and in the beginning of E. III. the *Petitions* are made to the Archbishops, and Bishops, and run in the

† See an Instance in Dene's  
*Hist. Ross. Angl. Sacr. Vol.*  
1. p. 363. and here in the Ap-  
pendix, Numb. XV.

name of *Religiosi & Clerus* †; under which style all of the Convocation below Bishops are comprehended. In the last Year of Edward the III. some Expressions

† In Conv.  
4. Nov.  
Feb. 1376.

in *Sudbury's Register* † seem to intimate that this Division had obtain'd (if at least my Extract do not mislead me): but a formal mention of the *Inferior Domus Convocationis*, and of a settled *Prolocutor* is not, I think, to be found in the Registers, till sometime afterwards: Though the Mere silence of such imperfect and scanty Records is by no means sufficient to establish a Negative; all the Notices we now have of this kind, being short Entries only, made by the Archbishops Registrary; who was no more careful to record what related to the Honor or Privileges of the Inferior Clergy, than the Clark of Parliament appears antiently to have been in relation to the Commons. For in those Days neither the Lower House of Convocation, nor Parliament kept distinct *Acts* of their own: and when the Clergy first began to do it, we know not certainly, though from the Acts of the Con-  
vocation



vocation 1<sup>o</sup>. E. VI. † it appears that they then had a Separate *Altuary*; which is as high as we have any *Journals* for the Commons \*, though 6<sup>o</sup> H<sup>ed</sup> 8<sup>vi</sup>, the Book of the Clerk of Parliament appointed, or to be appointed for the Common House, be in a statute † of that Year mention'd. † In the Book call'd Synodalia. \* Though Mr. Nicolson Vol. 3. p. 51. tells us of a Journal of theirs, throughout H. the VIII. Reign, now in the Cotton Library: such a Journal is, I dare say, in no other Library, but his Own Historical one, to be found; where there is indeed a Great Collection of such kind of Curiositys. † C. 16.

After the Separation of the two Houses of Convocation was fix'd, we scarce ever find them Treating and Resolving together *in Body*, upon any Occasion. But if any thing hapned that requir'd Joynt-Counsels, their way was to transact it in a Committee of both Houses; wherein the Number of the Inferior Clergy exceeded that of the Greater Prelates. For instance, a Grand Committee in 1408. Jan. 25. || consisted of six || Registr. Arundel. Bishops, twelve Abbots and Priors, and of twenty four from the Lower House, *i. e.* I suppose of six from the four Ranks or Degrees of Clergy which compos'd it; Deans, Archdeacons, Proctors of Chapters, and Dioceses. The Resolutions of the Lower House were communicated to the Upper by their *Prolocutor*, attended with some of their Members, More or Less, as the Importance of the Message seem'd to require; and sometimes ( for instance, when they presented their *Subsidys*, or *Grievances*; which they generally did *together* ) the whole House came up with them. And whatever they had to offer in Writing, or by Word of Mouth, they did it standing always, the Prelates in the mean time being Seated. Most of the Business of Con-

Convocation took its Rise from the Lower House; there, regularly Taxes were first agreed on, there Articles of Reformation were drawn; in preparing which as they had a nearer Interest, so had they more Leisure for it, than those of the Upper House, who were call'd upon often to attend the Parliament, and were forc'd to adjourn often for that reason; the Inferior Clergy continuing to sit all that while, and do Business †. And when they adjourn'd, it was sometimes their Own Act, but oftner at the Command of the Archbishop. This Power belong'd to him a course when the Two Houses were united; and he preserved it after they were separated.

† Die  
Lunæ prz-  
sens Archi-  
episcopus  
propter  
Parliamen-  
ti Nego-

tia vene-  
rabilibus Fratribus sibi assidentibus prorogavit ad diem Veneris — & demandavit aliis Prelatis & Clero quod singulis diebus interim ad didum locum convenirent & laborarent circa reformanda & Articulos conciperent-Registr. Arundel in Conv. 10. Maii 1406.

I have added these Particulars, that I might not barely trace Dr. W's Mistakes ( which is too Dry, and too Humble a Task ) but might with all make my Proofs of his Ignorance as instructive as I could to the Reader.

Whether the Clergy call'd to Parliament by the *Premunientes* consulted with the Laity, or by Themselves, is a Point that the Dr. has left doubtful. But the Great Record in *Ryleys Pla-*

† See part cita † will, I judge, go a good way towards clearing it. For as we may be pretty certain from thence, that the Clergy made their appearance in Parliament, upon the first Opening it ( for why else should their Proxys be all Registered in the Records of that Meeting ? ) so have we good Ground also to believe from thence, that

of it App.  
Numb. XII

that they divided afterwards, and consulted by themselves; since their Proxys are entred, not promiscuously, but apart from those of the Laity. The Bishop of *Winton* therefore, we may observe, sends up the Archdeacon of *Sarry*, as his Proxy; and yet that Archdeacon makes a Proctor for Himself: which he needed not to have done, had the Clergy and Laity sat all in one House (as the common Opinion supposes them Now to have done); for then this Archdeacon might have Voted in a double Capacity. But if the Clergy sat a part from the Laity, it was necessary for the Archdeacon, when he appear'd for his Bishop among the Barons, to make a Proxy for himself among the Clergy. Besides, I find, the Bishops and Abbats do not give Procuratorial Letters exactly to the same Persons † as are impower'd by any of the Inferior Clergy; but if one or two of them be the same, they add a Second or Third that is different: which I take not to have been Casual, but with Design, that so He who was Proxy for the Bishop alone, might separate from the Rest, and act for him among the Laity, while the Others Voted for him among the Clergy. Which I apprehend also to be what chiefly gave birth to the Custom of the Clergys sending more Proctors than One both to the Convocation and Parliament, by the Clause [*Conjunctim Et Divisim*] in their *Procuratoria*; that so they might have some to vote for them in the One place, and some in the Other.

† Thus in the Diocese of *St. Asaph*, the Dean, Archdeacon, and Clergy of the Diocese send the same Proctors, but the Bishops different ones. And when the Bishop of *Hereford* commissioned one *Lugwardin* (who was sent up also by the Archdeacons of *Hereford*, and *Salop*, the Chapter of *Hereford*, and the Clergy of the Diocese) he join'd another with him, who might be his separate Proxy upon occasion. The only Exception to this, that I have observ'd in the List of Proxys is, That the Chapter, and

and Bishop of Exon return the very same. But he might perhaps be (if the Transcript of the Record be exact here) the Chapters Proxy, and the Bishops Messenger only, who brought his Letters of General Ratihabition, without any Power of Voting for him, in particular cases. For this Method, I find, was practis'd at that Meeting, v. g. Abbas de Cumbâ non misit Procuratorem, sed promittit per Literas suas Patentes se ratum & gratum habiturum quicquid indicto Parlamento Rex decreverit salubriter ordinandum. The Reader, who has consider'd Dr. W's Book, finds, that the Spirit of this Implicit Abbat did not die with him; but has descended upon One, who makes the same Offer with less Wariness, and puts not in so much as a Salubriter, to guard his Submissive Doctrine.

\* Once more, the Time when the Crown began to issue out Writs for the Convocation (i. e. to command the Archbishops by Writ to assemble the Clergy of their Provinces) is another point, which Dr. W. would fain, if he could, determin; and in order to it, pitches upon a Writ of this kind in the 9 E. II. as *the first that perhaps is extant* \*, or (which is all One it seems) as *the first he has ever met with* †. Which Learned Hint he takes care also to inculcate of-  
 † P. 101. ten †, that he may be sure to have Justice done  
 † P. 225. him for the Discovery. But in this he is a little  
 † Pp. 100. too vain, because neither is the Remark his Own  
 103. 225. (for he met with it in the *Grand Question*, p. 159);  
 228. nor, if it were, would he have any reason to boast, since it is by no means a true one: for there are several Writs of this nature extant before the Date of this; particularly of the 7th. and 5th. Years of E. II. and as far back as the 11th. of E. I. which I have already in the course of these Papers had occasion to take notice of. And even this Writ it self is misdated, as to the Time to which it Summon'd: for whereas Dr. W. says, that it call'd the Convocation to meet "Feb. 9. the Parliament sitting Oct. 16. forego-  
 † P. 103. ing †, the Truth was, that the Writ was dated Oct. 16.

*Oct.* 16. and summon'd the Convocation to meet, not on *Feb.* 9. but *Jan.* 27. i. e. in *quindena Hilarii.*

But I offend, I fear in too nice a pursuit of his Errors, and shall close these Remarks † there- † P. 244.  
fore, as He does his, with the Account of a Convocation, the Circumstances of which have been much misunderstood, not only by *Dr. W.* but by my Lord of *Sarum* too, and even by our Elder Historians. "Henry the VIIIth. he says, "having call'd a Parliament to *Westminster*,

"Anno 1529. [ he should say,

"1523. || ] commanded *Warham*

"to Summon a Convocation of

"the Clergy, to meet about the

"same time at *St. Pauls.* Car-

"dinal *Wolsey*, who, as Archbi-

"shop of *York*, had no place in the Convocation,

"and was desirous to bring every thing to his

"Own Management, by his Legatin Power dis-

"solves the Convocation held at the King's

"command by *Warham*, and orders the same

"Synod to appear before himself, as the Pope's

"Legat, the next day at *Westminster*; where

"having got a sufficient subsidy granted by them

"to the King, he soon dismiss'd the Assembly †. † P. 244.

Thus *Dr. W.* tells the Story out of *Antiqu. Bri-*

*tan.* My Lord of *Sarum* adds, that this Dissol-

ution was *May* 2. and points to the Writ of this

date in *Tonstall's* Register, issu'd out by the King

to *Tonstall* for the Clergy of *Cant. Prov.* to meet

at *Westminster* †. But here ( to use his Lord-

ships Own Words of my Lord *Herbert* † ) he

had not apply'd his Ordinary Diligence, for the

Writ he refers us to is quite another thing than

his Lordship apprehends it to be; and the whole

|| April 15th. 1523. the  
Parliament met. April 20th.  
Warham's Prov. Synod. Apr.  
22d. Wolseys's Legatin Sy-  
nod.

† Hist. Ref.  
Vol. I p. 20  
† Vol. p. 95.

story of the *Dissolution* is a Mistake, as appears beyond doubt from the Preamble of the Act of Subsidy, printed by his Lordship himself among the Records \*, where we find these words. *Nos Prælati & Clerus Cant. Prov. in hac Sacra Synodo Provinciali, sive Prælatorum & Cleri ejusdem Convocatione in Ecclesia D. Pauli London, 20 die Apr. A. D. 1523. inchoatâ, ac usque ad & in 10. Aug. proximè ex tunc sequentis de diebus in dies continuatâ, &c.* Had his Lordship considered these words, he would have seen, that this Synod was so far from being *dissolv'd* May 2d. that it sat, as a Provincial Synod, above three Months afterwards, and was continu'd from the first to the last Day of its Session, by Ordinary Adjournments. And had his Lordship further given himself the Trouble to peruse the Mandate to *Tonstal*, which he cites from his Register, he would have found that there is not a Syllable of a *Dissolution*, or a *Reassembly* mention'd in it; and would there have lit upon a true account of this mistaken Story. For that Mandate recites, that the *Cardinal* had sent out his Legatin Summons [concurrently with the Bishop of *Cant's* Provincial Citation] for the Clergy of Both Provinces to meet at *St. Peter's* Apr. 22d. [two days after those of *Cant.* were Provincially to assemble]: that they did accordingly thus meet, the *York*-Clergy by Adjournment from *York* [where they met first *March* the 22d \*] and those of *Cant.* by Adjournment from *Pauls.* But the Clerks of Convocation for *Cant. Prov.* being to appear first before their Own Archbishop, had brought up Powers to Treat with Him alone, without any mention of the Legate: for which reason the *Cardinal* issu'd out his

\* See Stat.

22 H. 8.

c. 15.

his Mandate of *May* the 2d. to *Tonstal* for the Clergy of his Diocese [ and so of all others ] to meet and send up proper Forms to their Proctors; as they did, I suppose; and then the Business of the subsidy was debated, and the quantity of it agreed on before the Legat; but the formal Grant of it made afterwards in Two Provincial Assemblies. The Common Account therefore of this Legatin Synod is Fabulous, taken up in Hatred to the *Cardinal*, and too easily received by *Josceline* himself, without inspecting the Registers for the Truth of it; Archbishop *Parker*, upon the Review of his Work, being not able to set this Story right by Memory alone, for he was but Eighteen Years Old, when it hapned. Had indeed the Fact, as it is commonly handed down to us, been true, Dr. W. would have had reason to say, that *it is not to be paralleld in all its Circumstances in any part of our History*. But as it really stood, there was nothing but the Writ for New Powers, Extraordinary, or singular in it: *Pool's* Legatin Synods being afterwards Summon'd and held with the very same Formalitys, particularly that in 1555, by the Acts of which it appears, that the Synods of *Cant.* and *York* were first conven'd apart ( after the same manner that they were always us'd to be in Parliament time ) and then Both call'd to an Exempt place [ the Chapel Royal in *White-hall* ] and there united into one National Assembly. Besides, had Cardinal *Wolfey* by his Power Legatin dissolv'd a Convocation call'd by the King's Writ, we should certainly have heard of it, among the 44 Articles prefer'd against him in Parliament†: but it not being touch'd on, or so much as hinted there, we might without

† See *em*  
*Lord Her-*  
*bert* p 293



further Authority conclude that nothing of the kind was done.

Nor is the Usual Account of this Action of the Cardinal's worse than the Reason given for it; for he is made to *dissolve* the Convocation, because as Archbishop of *Tork*, he had *no place*

\* He took Durham, and quitted B and W. while this Convocation was sitting; but the Exact Date of this Change I have not consider'd.

there; But, I hope, as Bishop of *Bath* and *Wells* \*, or Abbat of *St. Albans* he had; and might therefore in either of these Qualities have been *present* in the Convocation of *Cant.* if that had

been all he aim'd at. But it was neither suitable to his Character, nor agreed well with his Temper, or his Business, to appear among the Clergy any other wise than as a Legate: As such, he took place of *Warham*, and presided over the Debates of the whole Body; and had an opportunity by that means of poyssing the Refractory Part of the Clergy in *Warham's* District with Those of his Own Province, who would be more complying.

Common Justice oblig'd me to say thus much in behalf of that Great Minister, who had Real Faults enough, not to be loaded with Untrue Ones. Dr. W. had much Nearer Obligations to have done this, who has *eat the Bread of Wolsey* (to use an Homely, but Authoriz'd Phrase) near Half his Life, and now owes his Comfortable Summer-Retreat to that Cardinal's Bounty. But I find the *Premunire*, that transferr'd all the Cardinal's Estate to the Crown, has transferr'd all the Doctor's Gratitude thither too: and with reason; for the Cardinal is Dead long ago, but Crowns are Immortal. He has His reason,

son, and I have mine; which is, to do right to any injur'd Person, let his Character be what it will; and not to fall in with a Calumny knowingly, let it be never so Popular and Fashionable. They that defend the Dead, cannot be suppos'd guilty of Flattery, or Design; and with either of these, I thank God, there is not a Line in this Work that can reproach me.

I have now offer'd all I think necessary, either to assert, explain, or justify that *Double Right* of the Clergy, which I at the Entrance of these Papers propos'd to maintain, their Right of *Meeting* at set times, and *Acting* within such a Determin'd Compass as I have mark'd out. There is behind still a Second Consideration, which relates to the *Need* that the Church has of such Meetings, and which, according to the Method laid down, I should now enter upon. But this Book has grown too much under my hands, to allow room for any New Matter here; and all therefore that I shall say of it is, that if the Church has a Clear *Right* to such Meetings (which by this time, I hope, is past a Doubt) she has for that very Reason a *Need* of them; because her *Right* has been publicly question'd, and actually suspended for a Time: And she has *Need* therefore to exert it, that she may be sure to preserve it. Upon this Foot I shall leave the Point of *Expedience* at present, not without Intentions of returning to it, and giving the Reader as full and particular a View of the Debate on This side also, if it shall appear, that what has been already said, has not had its Due Effect on Those, whose Eyes the Author of these Pa-

pers is particularly concern'd to open ; and whose backwardness to keep the Church in possession of her Greatest Priviledge, he cannot but impute chiefly to a mistaken Opinion they are in, that she has really no such Priviledge to claim. And that Mistake therefore being clear'd up, he hopes and believes, that they will be as ready to assert her Just Rights, and Espouse her True Interests as any Men. These are his present Apprehensions and Wishes, in which he shall be very sorry to find himself deceiv'd ; but if so it happen, has determin'd not to stop here, but proceed on to such further Enquirys and Considerations as he shall judge proper to promote the End that he aims at: the great Importance, and Reasonableness of which he is so fully satisfy'd of, that he shall think no Sacrifice, whether of his Time, his Ease, or his Fortune, too dear to be bestow'd upon it. He is sure, that he has the Perpetual Practise of the Church of Christ, and the Law of his Country on his side ; and he is conscious of no other Aims in what he has undertaken, than those of promoting the Honor of God, and his Religion, and supporting our Constitution ; and these Assurances and Views will, he trusts, carry him on to the End of his Work, through whatever Difficultys and Discouragements.

If he succeeds in his Design, he shall think that he has not liv'd in vain ; if he fails, yet he will satisfy himself in having honestly attempted it, and done what in him lay to preserve to the Body he is of the poor Remains of their Ancient Legal Rights and Priviledges : for he could not stand by and see the Great Rights of his Church ready to sink, without endeavoring to

save

save them. The Events of things are not in our Disposal; it becomes private Men to do their Duty, without having a Demonstration that it shall be successful. And should it be determin'd to lay this Part of Our Constitution asleep, yet he is not without hopes, that the Truths deliver'd in this Book ( for Truths they are ) may in some Favourable Juncture contribute to awaken it. With this single Prospect, he would have undertaken the Work, had all others fail'd him; and in despair of being listned to by the Present Age, would have wrote, and appeal'd to Posterity.

At the worst, what he has here offer'd, and shall further offer, if it have no other Effect, will yet be serviceable, as a Testimony against Dr. Wake's Book, and the Pernicious Principles of it: it will let our Successors see, that his Doctrine, whatever Boasts, or Pretences it might make, was not the Doctrine of the Church and the Age in which he liv'd; but was disown'd and detested as soon as wrote: and that the Establishment of the Practise which he pleads for ( if it must be Establish'd ) was not owning any ways to the Silence of those who were concern'd to oppose it. Especially if so it fall out, that They of the Clergy, who are not of Dr. Wake's Mind, and in his Measures, shall, upon this occasion, take some way of owning publickly to the World their Dislike of them: this will justify the Body from having any Hand in stifling and betraying their Own Priviledges, and will remove the Guilt of any Present, or Future Innovation from *Them*, at whose Door soever it lays its

I have

I have done with the Argument of Dr. Wake's Book, and have now only a short Address to make to the Writer of it; whom towards the latter End of it I find thus expressing himself. *This, says he, brings us to the true way of deciding the point here before us. If by the Laws and Usages of this Kingdom, the Convocation has a Right to Sit and Act (as this Gentleman affirms) let those Laws be produc'd, and those Usages made out, and I submit †. I agree with him, that this is the true way of deciding the Point before us; and have accordingly taken this way, and no other, to decide it. I have produc'd the Laws and Usages of this Kingdom, that make out both these Rights, so incontestably and clearly, I think, as to leave no Room for a Cavil; and I call upon Doctor Wake therefore to Submit, or to shew wherein I have mistook, or mis-represented those Laws and Usages. Let him not think to evade the Force of what has been said by Loose and General Reflections, by once again amusing us with Heaps of Foreign Precedents, and long Historical Tales nothing to the Purpose; in a word, by drawing fresh supplies from that Everlasting Magazine of Insignificant Authorities, his Common-place-Book. All this Shew of Reading (and God knows, it is but a Shew) will be of no manner of weight with Discerning Judges: the short Point between Him and Me is, as He himself acknowledges, how our Own Constitution stands, and what are the Particulars *Laws and Usages of this Kingdom*. By these I affirm, (and have proved) That*

the

† Pp. 285,  
286.

the Convocation has a Right not only to be Summon'd, but to Meet with every New Parliament, and to be open'd in Due Form by Divine Service, and a Sermon: That the Clergy of the Lower House, when thus met, have a Right of filling the Chair of it with a Prolocutor, and of being put into a Condition of doing Business: That if they have any Requests, any Motions to make, to my Lords the Bishops, the King, or his Great Council, for the Good of Religion, or the Redress of Church-Grievances, they have a Right to make them; to enter into what Debates, and come to what Resolutions they shall think fit (within their Proper Sphere) without being oblig'd to Qualify themselves for such Debates, or Resolutions by a Royal Licence; which is necessary to no Synodical Act, previous to that of Making, or Enacting a Canon: That in these Respects, and to these Purposes, the Convocation is still a Parliamentary Body, and an Essential Part of our Constitution; call'd both by the Clause in the Bishop's Summons, and by Writs directed to the Archbishop of either Province; which Clause, and which Writs, whenever a New Parliament is to meet, can no more by the Rules of our Constitution be omitted, than the Writs for any of the Lords or Commons can: In short, that the King has not only a Right of thus calling the Clergy to attend, but the Clergy also have a Right of attending, and the Lords and Commons a Right of being attended by them. This is the Doctrine briefly laid down in that Letter, which first gave rise to this Debate; and in these Papers more fully explain'd, and prov'd. If Dr. Wake  
can

can shew, wherein any part of it disagrees with *the Laws and Usages of this Kingdom*, let him do it: if he cannot (as I am certain, he cannot) he is oblig'd by his Own Proposal to *Submit*, that is, to own himself utterly mistaken throughout this Dispute, and publickly to retract his Illegal and Slavish Opinions.

---

APPEN.



## APPENDIX.

## I.

Edwardus dei gratia Rex Angliæ, & Fran- See p. 20.  
 ciæ, & Dominus Hiberniæ, Generabilis  
 in Christo Patri Radulfo, eadem gratia,  
 Bath. & Well. Episcopo salutem. Cum pri-  
 dem in Parlamento nostro apud Westm.  
 in quindena Pascha convocato, qua-  
 dam Legibus & Consuetudinibus regni  
 nostri Angliæ expresse contraria, & Regiæ  
 Dignitati nostræ nedum valde prejudici-  
 alia, sed probrosa, fuissent nimis impor-  
 tune petita; quæ nisi per modum statu-  
 ti tunc permissemus consignari dictum  
 Parliamentum fuisset sine omni Expedi-  
 tione in Discordia dissolutum: & sic  
 Guerræ nostræ Franciæ & Scotiæ quas de  
 Consilio vestro, ut scitis, principaliter  
 assumpsimus, fuissent, quod absit, verisi-  
 militer in ruina: & Nos ad evitanda tan-  
 ta pericula, præmissis protestationibus  
 de revocando cum possemus prohibere quæ  
 sic a nobis quasi invitis extorta fuerint,  
 illa sigillo nostro sigillari permissemus  
 ista vice, & postmodum ea de Consilio &  
 Assensu Comitum & Baronum ac aliorum  
 Peritorum ex Causis Legitimis, quia  
 defecit Consensus noster, declarabimus  
 esse nulla, nec nomen vel vim habere de-  
 bere

bere statuti: Ac jam accepimus, quod  
 Generabilis Pater Arch. Cant. unum  
 Concilium Provinciale in crastino S<sup>c</sup>i  
 Lucae proxime futuro apud London con-  
 vocare mandabit, in quo Vos & ceteros  
 Praelatos Cant. Prob. contra Nos con-  
 citare, & aliqua nobis prejudicialia circa  
 roborationem dicti pretensi statuti & in  
 Elevationem, Depressionem, & Dimi-  
 nutionem Jurisdictionis, Jurium, & Pre-  
 rogativarum nostrarum regalium, nec  
 non circa Processum inter Nos & Pre-  
 dictum Archiepiscopum super quibusdam  
 ex parte nostra eidem Arch<sup>o</sup> oppositis  
 pendentem statuere, declarare, & super  
 his Censuras Graves intenditis pro-  
 mulgare: Nos volentes tanto Prejudi-  
 cio, ut convenit, obviare, Vobis distri-  
 cte prohibemus, ne quicquam quod in  
 Derogationem seu Diminutionem Re-  
 gis Dignitatis, Potestatis, & iurium  
 Coronae nostrorum, seu Legum, & Con-  
 suetudinum dicti regni nostri, aut in Pre-  
 iudicium Processus memorati, vel etiam  
 in roborationem dicti pretensi statuti, vel  
 alias in contumeliam nostri nominis &  
 honoris, aut in gravamen vel dispendium  
 Consiliariorum vel Obsequialium nostro-  
 rum cedere poterunt, in dicto Concilio  
 vel alibi proponatis, statuatis, aut ali-  
 qualiter attemptetis, aut attemptari facia-  
 tis. Sciuri quod si secus feceritis, ad  
 Nos ut Inimicum nostrum, & nostrorum  
 Violatorem Jurium, gravius quo licite  
 poterimus capiemus. Teste Rege apud  
 Westmonast. 1. Oct. regni 15.

## II.

*For Mr. Sanders Minister of  
the Gospel at Oxford.*

Reverend Sir,

Newbury June 7. 98.

I Had a Letter last week by the Direction of *Sept. 26.*  
the Committee of Ministers and Gentlemen,  
appointed at London for settling a Correspondence of the Protestant Dissenting Ministers, and Congregations throughout this Kingdom for the advancement of the Interest of Religion, and Reformation of Ministers, with the Articles there agreed upon in order thereunto, and a desire to communicate them speedily to the Brethren in these Parts, that, if possible, a General Meeting might be had this Summer in London.

Pursuant hereunto it is desir'd that You would not fail to come your self, and bring with you one prudent Person of your Congregation chosen for that End (according to the Method resolv'd on in London) to meet several of the Brethren and the Members of the Respective Congregations here at Newbury the 22 Instant, to consider of the said Proposals, which shall be laid before you, and the proper Method to obtain so desirable an End.

You

You are desir'd to be here on *Tuesday* in the Evening, that we may enter on our Work on *Wednesday* Morning; resolving (God willing) to spend some time in Prayer, before we begin.

*I am, Sir, Your Affectionate*

*Brother and Servant in the Lord,*

W. F.

### III.

*See p. 87.*

1. **A** Nd as concerning the requiring of your Highnesses Royal Assent to the Authorising of such Laws as *have been by Our Predecessors*, or *shall be made by Us* in such Points and Articles, as we have by God Authority to rule and order by Provisions and Laws: We knowing Your Highnesses Wisdom, Vertue, and Learning, nothing doubt but the same perceiveth how the granting thereunto dependeth not upon our Will and Liberty; and that We your most humble Subjects may not submit the Execution of our Charges and Duty certainly prescribed by God to Your Highnesses Assent, although in very deed, the same is most worthy for Your most Princely and Excellent Vertues, not only to give your Royal Assent, but also to Devise and Command what we should for good Order and Manner provide in the Church. Nevertheless, considering we may not so in such sort restrain the doing of our Office in the feeding and ruling Christ's People, Your Graces Subjects, We most humbly desire your Grace, as  
the

as the same hath done heretofore, so from henceforth to shew Your Graces Mind and Opinion to us, what Your Highnesses Wisdom shall think Convenient; which We shall most gladly hear and follow, if it shall please God to inspire us so to do: with all submission and Humility beseeching the same, following the steps of Your most Noble Progenitors, and conformable to Your own Acts, to maintain and defend such Laws and Ordinances as We, according to our Calling, and by the Authority of God, shall for his Honor make, to the Edification of Vertue, and Maintaining Christ's Faith, whereof Your Highness is Defender in Name, and hath been hitherto in Deed a Special Protector.

*Bibl. Cotton. Cleop. F. 1. fol. 96.*

II. Forasmuch as the Answer lately made by Your Clergy unto Your Honorable Commons, for their satisfaction in their Bill of Complaint put up unto Your Highness, doth not please nor satisfy Your Highness in some Points concerning Your Own particular Interest, specially in that Point which concerneth *Laws*, either *Now to be by Us made*, or else *Old, to be by Us reform'd*: for Your Highnesses better Contentation in that behalf, We Your said most Humble Chaplains, do now more especially answer unto those Points as followeth.

1. As touching *New Laws to be by us Hereafter made*, we say, that the Laws and Declarations of Christ's Holy Church, throughout all Christian Realms receiv'd and us'd, been clear and manifest; that the Prelates of the same Church have a special Jurisdiction and Judicial Power

H h

to

to Rule and Govern in Faith and Good Manners, necessary to the Souls health, the Flocks unto their Care committed; and that they have Authority to meet and ordain Rules and Laws tending to that purpose: which Rules and Laws hath and doth take effect in binding all Christian People as of theymselves; so that before God, there needeth not of necessity any Temporal Power or Consent to concur with the same by the Way of Authority.

*Item*, they say that this Power and Authority in making Laws in matters concerning the Faith and Good Manners necessary to the Soul's health, all Christian Princes hath hitherto reckon'd themselves bound to suffer the Prelates to use within their Realms, and have not claimed of the same Prelates, that they should from time to time require their Consent or License by the way of Authority, more in making of such Laws, than they do claim, that they the said Prelates should from time to time, require their Consents autorysable in the giving of Holy Orders to any of their Subjects, or in the exercising any other Spiritual Act depending upon their Spiritual Jurisdiction; the Authority whereof immediately proceedeth from God, and from no Power or Consent Authorisable of any Secular Prince; except it be that Consent that is taken of the Princes own submission to the Faith Catholique, made not only by their Noble Progenitors, when they first admitted Christ's Faith, and the Laws of the Holy Church within their Realms; but also by themselves, first Generally at their Baptism, and after more specially and most Commonly by their Corporal Oaths at their Coronation.

We

We say also, that this Power of making Laws aforesaid, is right well founded in many Places of Holy Scripture, now so much the less necessary here to be rehears'd, for as much as that matter is at large set out in a Book now by Us put up into Your Highness, and Your Highness your self in your Own Book most excellently Written against *M. Luther* for the defence of the Catholick Faith and Christ's Church, doth not only knowledge and confesse, but also with most Vehement and Inexpugnable Reasons and Authoritys doth defend the same: Which Your Highnesses Book we reckon that of Your Honor You cannot, and of Your Goodness You will not revoke.

Yet these Considerations notwithstanding, We your most humble Chaplains and Bedesmen, considering Your High Wisdom, Great Learning, and Unfeign'd Goodness towards Us and the Church, and having special Trust in the same, and not minding to fall into Contentions or Disputations with your Highness in any Manner of Matter what we may do, We be contented to make Promise unto Your Highness, That in all such *Acts, Laws, and Ordinances* as upon Your Lay Subjects, We, by the reason of our Spiritual Jurisdiction and Judicial Power shall *hereafter make*; we shall not Publish, nor put them forth, except first we require Your Highness to give your Consent and Authority unto them; and so shall from Time to Time suspend all such our Acts Ordinances and Laws *hereafter to be made*, unto such Time as Your Highness by Your Consent and Authority shall have authoris'd the same: except they be such as shall concern the maintenance of the Faith and Good Manners in



Christ's Church, and such as shall be for the Reformation and Correction of sin, after the Commandments of Almighty God, according to such Laws of the Church, and laudable Customs as hath been heretofore made, and hitherto receiv'd and us'd within Your Realm. In which Points our Trust is, and in most humble manner we desire Your Grace, that it may so be, that upon the Refusal of Your Consent (which We [presume] that we need not fear, but yet if any such thing should fall) Your Highness will be then contented, we may exercise our Jurisdiction as far as it shall be thought necessary unto us for the maintenance of Christ's Faith, and for the Reformation of Sin, according to our Offices, and the Vocations that God hath call'd us unto.

As for the *Second Part*, concerning *Laws that in Time past hath been made* by us, or by our Predecessors, contrary to the Laws of this Your Realm, and to your Prerogative, as it is pretended; to this Point We Your Highnesses most humble Chaplains answer and say, that such our Laws by our Predecessors within this Realm made, as contain any matter contrary to your Laws or Prerogative, and be not now in use, and do not concern the Faith, nor Reformation of Sin, when we shall be advertis'd of them, we shall right gladly in that part revoke them, and declare them to be void, and of none effect. So that Your said right Honourable Commons shall now dare execute Your Laws, without any Fear, or Dread, or Danger of our said Laws, if any such there be.

*Ibid.* fol. 101.

3. First,

III. *First*, as concerning such Constitutions and Ordinances Provincial, as *be to be made hereafter* by Us your most humble Subjects \*, we having our Especial Trust and Confidence in your most high and excellent Wisdom, your Princely Goodness, and Fervent || Zeal to the Promotion of God's Honor, and Christ's Religion ::, and especially in Your incomparable Learning, far exceeding in our Judgment the Learning of all other Kings and Princes that we have read of, and doubting nothing but that the same shall still continue, and encrease in your Majesty, do offer and promise here unto the same, that from henceforth † we shall forbear to Enact, Promulge, or put in Execution any such Constitution or Ordinance; so by Us *to be made in time coming*, unless Your Highness by Your Royal Assent shall License us to \* Make, Promulge, and Execute such Constitutions, and the same so made shall approve by Your Highnesses Authority.

*leaves out all from thence to the word,*

\* B. Adds--- of the Clergy of this your Realm.

|| B. Vertuous

∴ Wanting in B. from the words, and especially, to, read of.

† B. Adds--- During Your Highnesses Natural Life (which we most heartily beseech God long to preserve.)

\* B. adds, The contrary; and Authority.

*Seconde*, Whereas Your Highnesses Honourable Commons do pretend ::, that divers of the Constitutions Provincial which *have been heretofore Enacted*, be not only much Prejudicial to Your Highnesses Prerogative Royal, but also overmuch Onerous to the said Commons, We Your most humble Subjects || (for the Considerations aforesaid) be contented to refer and remit all and singular the said Con-

∴ B. Surmise.

|| B. Leaves out all with in this Parenthesis.

stitutions

tutions to Your Highnesses only Judgment and Examination; and which soever of the same shall finally be found, thought, and judged by Your Graces most Excellent Wisdom to be Prejudicial and overmuch Onerous, as is pretended, we offer and promise your Highness to  $\therefore$  moderate, or utterly to abrogate, and annul the same, according to the Judgment of Your Grace.

$\therefore$  B. To  
abrogate,  
annul, and

declare the same to be taken as of no force and strength.

B. [Con-  
stitutions  
Provincial,  
as be con-  
formable  
and do  
stand with  
the Laws  
of Almighty  
God, and  
of Holy  
Church, and  
be not re-  
pugnant to

Saving to Us always all such [Immunitys and Libertys of the Church of England, as hath been granted to the same by the Goodness and Benignity of your Highness and other Your Noble Progenitors; with all such Constitutions Provincial as do stand with the Laws of Almighty God, and of your Realm, *heretofore made*; which we most humbly beseech your Grace to ratify and approve by Your Royal Assent, for the better Executing of the same in times to come among Your Graces People.]

*the Laws of the Realm; with all such other Immunitys and Libertys of the Church of England, as hath been granted and confirm'd to the same, either by General Councils, or else by the Goodness and Benignity of your Highness, and other Your Noble Progenitors. Providing also, that until Your Highnesses Pleasure herein shall be further declared unto us, all manner of Ordinaries may execute their Jurisdictions, according to the said Constitutions, in like manner and form as they have us'd the same in Times pasted.]*

" These Articles above Written be agreed  
" in the Over-house, and the Lower-  
" house is agreed to the same; so that  
" in the first Article be added these words  
" [and Holy Church] with a Proviso at  
" the Latter End: and so the Articles,  
" as they be agreed by the Lower-house,  
" be of this Tenor following. Then

Then follows another Copy, with these Alterations inserted, as I have placed them in the Margin. There is a Third Form also, [designated by the Letter *B.*] that has both these, and some other Differences; which I have plac'd also in the Margin.

They seem to be of Archbishop *Cranmer's* own Hand-writing. The Copys I have taken are, I hope, exact in every respect, but that of the *Spelling*; which I have not always observ'd. There is a slight Difference also in a Word, or two; which not being Material, is not taken notice of.

## IV.

**I**N most humble wise complaining do shew *See p. 109.*  
unto your Excellent Majesty Your poor distressed Supplicants the Whole Clergy, that some in the Lower-house of Parliament have propos'd often, and withal Eagerness do promote diverse Bills against the — and namely one intituled, *a Bill against Plurality*: Which indeed impeacheth Your Majesty's Prerogative Royal, inpayreth the Revenue of the Crown, overthroweth the Study of Divinity in both Universitys, depriveth Men of the Living they do lawfully possess, beggereth the Clergy, bringeth in a Base Unlearned Ministry, taketh away all hope of a Succession in Learning: will breed great Discontentment in the Younger sort of Students, and make them fly to Other Seminarys, where they may hope for more encouragement; will give the Adversary just Cause to rejoyce and triumph, when they shall see the Clergy and Learning generally so much disgrac'd and vilify'd by the Gentry and Commons of this Land; abridgeth all Ability, either of keeping Hospitality, or of

contributing to the State in case of necessity ; and, that which is most lamentable, maketh way to Anarchy and Confusion.

Great are the Indignitys, the Injuriys, the Absurditys of this Bill, if with Religious Wisdom the Effects of it be truly consider'd ; but as great is the Hypocrisy of the same : for it doth not Reform the things it pretendeth to Redress ; it permitterh them, and increaseth them rather. The only thing it doth principally intend is the Impoverishing and Imbaling the Clergy ; whereupon will ensue the utter Contempt, both of their Persons and their Doctrine. All which we are ready ( with Your Highnesses Favor and License ) to justify before any Competent Judge, if we be permitted an Indifferent Hearing. In the mean time, and always, most humbly committing our Poor Estate to Your Majesty's most Gracious and Princely Clemency, on which, next to the Goodness of Almighty God, it doth wholly depend ; We do in all submission, both in respect of our Selves, and especially in regard of our Successors, most instantly pray such speedy Remedy in this behalf, as to Your most Excellent Wisdom, and wonted Godly Care of Religion shall seem fit. And that the rather, because it would leave a Perpetual Blemish upon the Time of Your Highnesses Government if there should appear to be such an Hatred of the Clergy, and of Learning in this Land, as that such an Act of Parliament should be now establish'd.

*Cicop. E. 7. fol. 255.*

With

V.  
With how great Hatred the Common sort See p. 109.  
of Men are inflam'd against the Ministers of the Church, how watchful they are for the halting of their Leaders, and how narrowly they sift every syllable of the Statute, by which Ecclesiastical Livings become void, daily and continual Examples declare unto Us. If we compare the Charge of Ecclesiastical Persons in these our days with the Immunitys they have heretofore enjoy'd, if it be consider'd with what cold Devotion all Tythes are paid, if you set before your Eyes how hard it is to wring a Free Presentation from a Lay-patron; if it be remembered, how much every Rectory wanteth of that it hath been worth heretofore, by reason of the taking of Offertorys, laying down of Tillage, and nonpayment of Tithes Personal; it will appear that a Benefice of Twenty Pounds in the Queen's Books will now more hardly sustain the Incumbent, than heretofore a Benefice of Ten Pounds. Wherefore seeing the great Charge of Ecclesiastical Persons must needs increase, in regard of the Malice of the Forreign Enemy, and the Charity of Men toward our Calling is like to decrease; as also, for that unto many poor honest Ministers the Encombrance growing by pretended *Lapses*, grounded for the most part upon false surmises, hath been more hurtful than all their Payments to her most Excellent Majesty; May it please this Honourable Synod, that the Reverend Fathers and Lords, which present the Free and Voluntary subsidy of the Clergy to her Highness, may be humble suitors to her Gracious Clemency in the behalf of her Majestys  
most

most Faithful Subjects, the Clergy of *England* and *Wales*, that her Highnesses free pardon may extend it self to the forgiving of all Lapses and Irregularitys of her Clergy whatsoever; except only in case of High, and Petty Treason, Willful Murther and Felony, and other Enormous Faults; and Her Majestys most faithful Subjects, the Ministers of the Word of God shall continually pray unto God for Her Majestys Long, Gracious and Prosperous Reign.

*Ibid.* fol. 123.

This seems to be a Petition of the Lower Clergy out of Convocation, to the Convocation it self. However in that Manuscript (p. 264.) I find a *Memorandum* of it, as of a Petition presented by the Lower to the Upper House of Convocation.

# VI.

1606. *Petition of the Lower House of Convocation to His Majesty, against Prohibitions.*

See p. 110.

**M**ost humbly beseechen your most Excellent Majesty, your most Faithful Subjects, the Clergy of the Lower House of Convocation, for Themselves, and the rest of their Brethren in the Ministry; That whereas they have been very much of late Years defrauded of their Tythes, and debarr'd from obtaining their Right due unto them by Your Excellent Laws of this Church, through *Prohibitions* procur'd by Those which wrong them, out of Your Majesty's Temporal Courts,



Courts, to your supplyants great Hindrance, Molestation, and utter Impoverishing in time, if Remedy be not provided; besides the stopping of Justice, occasion of Perjury, and further Wrong, and overthrow of your Ecclesiastical Jurisdiction, as though it were an unjust Usurpation of Forreign Power, against Your Majesty and Crown, and not the due Execution of Your Majestys own Rightful Power and Just Jurisdiction in Causes Ecclesiastical: It may please Your most Excellent Majesty, upon due notice given, and in tender Consideration of our Grievances herein, to take some speedy Order for the Help and Relief of the same, in such manner as to your Highnesses Wisdom, Piety, and Clemency shall seem just, fitt, and convenient.

And Your Majestys supplyants shall ever more (as they are bound) with all due thankfulness pray unto God for Your Majesty's Long and Happy Life, and Prosperous Reign.

*Ibid.* fol. 364.

VII.

**R** *Ex venerabili in Christo Patri J. eadem gra. See p. 221.*  
*ria Cant. Archiepiscopo totius Angliæ Pri-*  
*mati, Sal. Quia Lewelinus filius Griffini, &*  
*Wallenses Complices sui, Inimici & Rebelles no-*  
*stri, totiens temporibus nostris & Progenitorum*  
*nostrorum Regum Angliæ pacem regni turbarunt,*  
*& rebellionem suam & maliciam jam resumptam*  
*continuant non desinunt animo indurato; propter*  
*quod, negotium quod incepimus de Consilio Præla-*  
*torum, Procerum & Magnatum regni nostri, nec*  
*non & totius Communitatis ejusdem, ad præsens*  
*pro.*

proponimus, ad nostram & totius regni pacem & tranquillitatem perpetuam, Domino concedente, finaliter terminare. Commodius etiam & decentius esse perpendimus, quod nos & Incole terre nostre ad ipsius Maliciam totaliter destruendam pro communi utilitate laboribus & expensis fatigemur hac vice, licet onus difficile videatur, quam huiusmodi turbatione per Wallenses ipsos nunc habita pro voluntate sua futuris temporibus cruciari, prout tempore nostro & Progenitorum nostrorum contigit manifestè: Vobis mandamus rogantes, quatenus Suffraganeos vestros, & Abbates, Priores, ac alios singulos domibus Religiosis prefectos, nec non & Procuratores Decanorum & Capitulorum Ecclesiarum Collegiatarum vestre & Suffraganeorum vestrorum Diocesum venire faciatis coram nobis apud Northampton in Octabis S<sup>ni</sup> Hilarii, vel coram Fidelibus nostris quos ad hoc duximus deputandos: & Vos iisdem die & loco interfutis, ad audiendum & faciendum ea que pro republica Vobis & E<sup>is</sup> super hiis ostendi faciemus, & ad præstandum nobis consilium & iuvamen, præsertim cum vestra sicut aliorum interfit, per quod Negotium jam inceptum ad laudem & honorem dei, & magnificentiam nostram, sanè ac totius regni nostri & populi pacem & tranquillitatem perpetuam valeamus hac vice, ut intendimus, feliciter consummare, T. Meipso apud Rothe-  
lan Nov. 22. regni II.

Rot. Wallia. II. E. I. m. 4. dors. see Pryn  
T. 3. Eccl. Jurisd. p. 301.

## VIII.

See p. 222.

**R**ex Venerabilibus in Christo Patribus, Episcopis, Abbatibus, Prioribus, Capitulis Ecclesiarum

clesiarum Cathedralium, & Collegiatarum de Provincia Eborum, & eorum Procuratoribus, ac toti Communitati Cleri Provincia ejusdem, Militibus, Liberis Hominibus, Communitatibus, & omnibus alijs de singulis Comitatibus ultra Trentam apud Eborum in instantibus Octabis S<sup>ni</sup> Hilarii conventuris Sal. Cum nos occasione presentis nostre Expeditionis nostra Walliæ ad maliciam & rebellionem Wallensium Inimicorum nostrorum reprimendam, & ad perpetuam pacem regni nostri faciendam, ad quam toto corde intendimus, subsidio fidelium nostrorum regni nostri opus habeamus ad præsens: Nos de benevolentia venerabilis patris W. Eborum Archiepiscopi, Angliæ Primatis, & de circumspectione dilecti Clerici & Secretarii nostri Antonii Beke, Archidiaconi Dunelmensis fiduciam gerentes specialem eisdem Archiepiscopo & Antonio tenore presentium plenam damus potestatem petendi & procurandi nomine nostro, juxta formam per nos eis inde traditam & injunctam subsidium ad Opus nostrum à Fidelibus nostris singulorum Episcopatum & Comitatum regni nostri ultra Trentam. Et ideo vobis mandamus rogantes, quòd iisdem Archiepiscopo & Antonio in hac parte firmam fidem adhibentes ea quæ circa præmissa vobis dicent, modis omnibus expleatis prout ipsi vobis scire facient ex parte nostra in cujus, &c. T. Rege apud Rothelan 1<sup>o</sup> die Jan.

Ibid. p. 302.

**R** Ex venerabili in Christo Patri R. Dunelmensi Episcopo, & Abbatibus, Prioribus, Decanis, Capitulis infra Episcopatum Dunelmensem consistentibus, ac Militibus, Liberis Homi-  
nibus, Communitatibus Burgorum & Villarum  
ejus-

*eiusdem Episcopatus Sal. Cum nos occasione, &c. [ut prius] opus habeamus ad presens. Nos de fidelitate & industria dilectorum & fidelium nostrorum Thomæ de Mandevill, & Magistri Henrici de Newerk, Archidiaconi Richmund fiduciam gerentes specialem, eisdem Thomæ & Henrico tenore presentium damus potestatem petendi & recipiendi nomine nostro subsidium ad opus nostrum tam a Clero quam a populo Episcopatus predicti in formâ per nos sibi traditâ & injunctâ. Et ideo vobis mandamus rogantes, quod eisdem Thomæ & Henrico in hac parte firmam fidem adhibeatis, & ea expleatis quæ vobis dicent de præmissis, prout ipsi vobis scire facient ex parte nostrâ. Et hoc, sicut de benevolentia [nostrâ] confiditis, nullatenus omittatis. In cuius, &c. T. Rege apud Rothelan 6. Jan.*

Ibid. p. 303.

## IX.

See p. 222.

**F**RATER J. &c. Veni in Christo Patri—Episcopo London sal. Literas Domini Regis recepimus in hac Verba [and then the Writ is recited as before \*]. Quia igitur Regie Majestati tenemur, quatenus secundum Deum passimur, obedire, quamvis Viarum & Temporum & aliorum Gravaminum multiplex Importunitas videatur huic negotio plurimum adversari, Vobis, hiis non obstantibus, dolentes & invitati in virtute obedientie mandamus, quatenus in formâ mandati Regii ad præfixos diem & locum venire curetis; citantes nihilominus ad hoc ipsum Abbates, Priores, & alios singulis Domibus Religiosis Præfectos, Exemptos quidem in locis non exemptis, sitalia loca habeant, vel si non habeant, per aliam viam efficacem, & eodem modo Decanos & Capitula non Exempta pariter & Exempta vestra Dioceseos, ut dictis die

&

Et loco compareant ob reverentiam Regiæ Majestatis de expeditibus Reipublicæ tractaturi. Ceteris insuper omnes Suffraganeos ad hoc ipsum—quod personis Episcoporum eo debet esse facilius quod, ut speramus firmiter, circa id tempus Electus Heref. poterit in eorum præsentia facile altissimo consecrari. Dat. Heref. 4. Id. Dec. 1282. Ord. nostræ 4<sup>ta</sup>.

Registrum Peckam, fol. 82.

Episcopo Lond. ad citandum totum Clerum. Dat. Northampt. 12. Cal. Feb. 1282.

Quoniam in Congregatione—apud Northampt. See p. 222. *habita coram Nuntiis Domini Regis—tunc* This is not all the *propter absentiam maxima partis Cleri tunc tem-* Mandate, but the *poris modo debito non vocati, tunc propter alia di-* Substance *versa non potuit ad plenum responderi, de Com-* only of it. *muni omnium tunc præsentium consensu extitit ordi-* *natum, quod Clerus Totus Cant. Provinciae ad certos diem Et locum pro dandâ responsione hujusmodi congregetur. Quocirca Fraternitati vestra—quatenus Confratres nostros—nec non Abbates, Priores, ac alios quoscunque Præfectos—Exemptos Et non Exemptos, Decanos Ecclesiarum Cathedralium ac Collegiorum ac Archidiaconos universos—quod conveniant apud Novum Templum Lond.—Singuli etiam Episcopi, sicut provisum fuerat—Clerum suæ Dioceseos congregari faciant, Et eidem quæ ex parte Regis nobis proposita fuerant diligenter exponi procurent, ita quod ad dictos diem Et locum—de quâlibet Diocesi duo Procuratores, Et de singulis Capitulis Ecclesiar. Cathedralium Et Collegiatar. singuli Procuratores sufficienter instructi mittantur, qui plenam Et expressam*

*pressam Potestatem habeant—tractandi & consen-  
tiendi hiis quæ ibidem ad honorem Ecclesiæ, conso-  
lationem Domini Regis, & Pacem Regni, Cleri Com-  
munitas providebit.*

*Ibid. fol. 83.*

## X.

*See p. 224.*

**R** Ex Custodi Spiritualitatis Archiepiscopatus  
Cant. sede Vacante, Sal. Qualiter Rex  
Franciæ nos de Terrâ nostrâ Vasconiæ maliciose  
decepit & inde fraudulentè eiecit, eam nequiter  
detinendo, Vos credimus non latere. Cum igitur ad  
Terram illam recuperandam de manibus dicti Regis  
vestrum Consilium & Auxilium, sicut & Præla-  
torum ac Cleri de regno nostro, quos communiter Nego-  
tium istud tangit, nobis quam plurimum prospexi-  
mus profutura: ob quod apud Westmr. in festo S<sup>i</sup>  
Matthæi Apostoli & Evangelistæ proximè futuro  
personaliter esse disposuimus, deo dante, ad Tra-  
ctandum unâ Vobiscum & Prælati ac Clero ejus-  
dem regni, & ad Ordinandum tunc ibidem super  
statu dictæ terræ nostræ Vasconiæ & Remedio in  
hoc contrâ hujusmodi maliciam adhibendo: Vo-  
bis mandamus in fide & dilectione in quibus Nobis  
tenemini firmiter injungentes, quod dictis die &  
loco personaliter intersitis, Vocantes prius Archi-  
diaconum totumque Clerum dictæ Dioceseos, fa-  
cientesque quod idem Archidiaconus in propria  
persona suâ, dictusque Clerus per duos Procurato-  
res idoneos, plenam & sufficientem potestatem ab  
ipso Clero habentes unâ Vobiscum intersint modis  
omnibus tunc ibidem ad tractandum, ordinandum,  
& faciendum, pro ipso Clero, ac ejusdem nomine  
quod de Vestro, Prælatorum, Archidiaconi, Pro-  
curatorumque prædictorum communi Consilio pre-  
videbitur in præmissis. Teste meipso apud Portes-  
mouth 19. die Aug. regni 22.

Pro-

## XI.

Procuratorial Powers from the Inferior  
Clergy to the Parliament.

1295. **O**mnibus Christi fidelibus ad quos pra-  
*Sec p. 228.*  
 sentes Literae pervenerint H. permissi-  
 one Divina Prior & Capitulum Ecclesiae Christi  
 Cant. Sal. in Domino sempiternam. Noverit U-  
 niversitas vestra quod nos facimus, Constituimus,  
 & Ordinamus dilectos nobis in Christo fratres  
 G. de Chyleham & R. de Clyve Commonachos  
 nostros veros & legitimos Procuratores nostros  
 conjunctim ac divisim, dantes eisdem & eorum al-  
 teri potestatem tractandi, ordinandi & faciendi  
 cum Praelatis & Proceribus & aliis Regni Angliae  
 Incolis in instanti Parlamento domini E. Regis  
 Angliae illustris, die Dominica proxime post fe-  
 stum S<sup>i</sup> Andreae Apostoli proxime futurum apud  
 Westmr. qualiter sit dicti Domini Regis & Regni  
 sui ac etiam totius Communitatis ejusdem, peri-  
 culis & maliciis excogitatis, quatenus est licitum,  
 salubrius obviandum. Ratum habituri quicquid  
 per praedictos Procuratores nostros, seu alterum ip-  
 sorum tractatum, ordinatum, seu factum fuerit  
 in praemissis. Dat. in Capitulo X. Kal. Dec.

Reg. Henr. Prior f. 67.

1296. **O**mnibus, &c. [ut prius] potestatem  
 ordinandi und cum Praelatis & Procu-  
 ratoribus Cleri totius Prov. Cant. in instanti Par-  
 liamento Domini E. Regis Angliae illustris in cra-  
 ssina Animarum apud S. Edmundum, de quanti-  
 tate & modo subsidii eidem Domino Regi, quate-  
 nus



nus est licitum, pro defensione regni ejusdem praestandi; Ratum habituri quicquid per praedictos Procuratores nostros seu alterum ipsorum ordinatum fuerit in praemissis.

Dat in Capitulo nostro 14. Kal. Nov.  
A. D. 1296. Ibid. fol. 69. (b)

1304. *Universis presentes Literas visuris vel audituris* Henr. *permissione divina* Prior Eccl. Christi Cant. & ejusdem Loci Capitulum Sal. in Dom<sup>o</sup> sempiternam. Noveritis quod nos constituimus, facimus, & ordinamus dilectum nobis in Christo fratrem Joh. de Thaneto Commonachum & Pracentorem nostrum, verum & legitimum Procuratorem nostrum ad faciendum & consentiendum his quae in instanti Parlamento Domini Regis, Dominica prox. post festum S. Matthiae Apostoli de communi Consilio favente Deo contingerit ordinari, vel etiam pro communi Utilitate Regni Angliae provideri, ulteriusque faciendum una cum Praelatis & Clero in dicto Parlamento quod permittunt sacrorum Canonum Instituta. In cuius rei Testimonium praesenti scripto sigillum nostrum commune duximus apponendum. Dat. in Cap<sup>o</sup> nostro 4. Kal. Mart. A. D. 1304. Ib. fol. 103. (a)

1307. *Universis pateat per presentes quod* Nos Henr. &c. & ejusdem Loci Capitulum, &c. Procuratores nostros conjunctim & divisim ad faciendum & consentiendum his quae in instanti Parlamento apud Northampton prox. tenendo de communi Concilio Praelatorum Cleri & Magnatum Regni Angliae tam super Humatione corporis celebris memoriae Domini Ed<sup>i</sup> quondam Regis Angliae  
nuper

nuper defuncti, quàm super solennitate Sponsalium & Coronationis Domini Edvardi dei gratia nunc regis Angliæ auctore domino celebranda, aliisque negotiis statum dicti regni contingentibus favente deo contigerit ordinari: Ratum habituri & Gratum quicquid per eosdem Procuratores nostros, vel alterum ipsorum actum fuerit in præmissis. Dat. 3. Oct. 1307. Ibid. fol. 108.

1309. Iidem constituunt, 2. Commonachos conj. & div. ad faciend. & consentiend. hiis quæ in instanti Parlamento à die Paschæ prox. præterito in unum mensem de Communi Consilio favente domino contigerit ordinari super hiis quæ Honorem Dei & Ecclesiæ Anglicanæ, ac etiam statum Domini nostri Regis Angliæ illustris, & regni ejusdem contingunt. Dat. 25. Apr. 1309. Ibid. fol. 112. (a)

1311. Noverint Universi, &c. quod Nos Henr. &c. & Capitulum—constituimus—Procuratorem nostrum ad comparandum die Jovis 4<sup>to</sup> Non. Dec. prox. futur. in instanti Parlamento apud Westminster tenendo, & ad consentiendum hiis quæ in eodem de Communi Assensu Prælatorum & Cleri ordinabuntur & statuentur, ad honorem Dei & Ecclesiæ suæ sanctæ ac Utilitatem Domini regis & Regni sui. Dantes eidem Procuratori pro potestatem substituendi loco suo alium Procuratorem ad præmissa quotiescunque sibi viderit expedire. Ratum habituri quicquid per eundem Procuratorem nostrum, vel substitutum ab eodem actum fuerit in præmissis. Dat. 4. Kal. Dec. 11. Ib. fol. 118. (b)

1314.— *Ad comparend. nomine nostro apud Ebor—coram venerabili patre domino W. d. g. Cant. Archp°. & ad faciend' & consentiend' hiis quæ ad animarum salutem ac Utilitatem Ecclesiæ & Reipublicæ de Communi Concilio præfati venerabilis Patris nostri, & alior' Prælator' ac totius Cleri Prov. Cant. favente domino tunc contigerit ordinari. Dantes eidem potestatem alium Procuratorem loco suo substituendi, &c. Dat. 16. Kal. Sep. 1314. lb. fol. 161. (a)*

[It answers the Writ of Summons in Dugd. p. 97.]

1318. *Ad comparend. nomine nostro in Parlamento Ebor—& ad consentiend. hiis quæ tunc ibidem de communi Consilio Prælatorum, Magnatum, Procerum, & Cleri Prov. Cant. favente Domino contigerit ordinari—& ad substituendum &c. Dat. 8. Oct. f. 199. (a)*

1319. *Idem constituunt Procuratores suos contra ac div. ad Parlamentum apud Ebor à die Paschæ in unum mensem tenend. lb. fol. 203.*

1321. *Idem constituunt Procuratorem suum in Parlamento apud Westminst. à die Nativitatis beati Joh. Bapt. ad tres Septimanas celebrando—ad faciend. & consentiend. hiis, quæ de communi consilio & assensu ven. patris Domini W. Prælatorum, Magnatum, Procerum & Cleri Prov. Cant.—concorditer contigerit ordinari. Dat. Id. Jul. Ibid. fol. 224.*

1322. *Idem constituunt Procuratores suos in Parlamento apud Ebor. à die Paschæ in tres septimanas*

*timanas tenendo. Dat. 25. Apr. 1322. Ibid. fol. 227.*

1323. *Nqs Capitulum Eccl. Lincoln—constituimus J. de Harington Concanonicum nostrum, verum & legitimum Procuratorem ad comparand pro nobis in Parlamento die Purif. beatæ Mariæ Virg. (to which day the Parliament was prorogued Dugd. p. 126.) Registr. penes Dec. & Cap. Linc. ab A<sup>o</sup> 1321. ad 1329.*

1323. *Prior & Capit. Cant. constituunt Procuratorem suum in instanti Parlamento [a die Purif. b. Mariæ Virg. in 3. Sept. tenendo] ad tractandum cum venerab. Patre—& cum ceteris Prelatis & Clero super urgentibus Eccl. Angl. atque regni negotiis in Parlamento prædicto, nec non ad consentiend hiis omnibus quæ ad honorem Dei & Ecclesiæ suæ sanctæ ac Utilitatem totius reipublicæ—divinâ disponente gratiâ ibidem contigerit ordinari. Dat. X. Kal. Mart. 1323. Reg. Henr. Pr. f. 236.*

1325. *Iidem constituunt Procuratores suos in Parlamento apud Westmr. in Octabis S. Mart. ad tractand, & ordinand und cum veni<sup>ti</sup> Patre, &c. & iisdem nomine nostro consentiend prout Utilitati Ecclæ. & Animarum Saluti Visum fuerit expedire. Dat. 16. Nov. Ibid. f. 146.*

1330. *Capitulum Wellense mittit unum, item Bathoniense alterum Procuratorem ad Parliamentum apud Wynton Die Dominicâ prox ante festi. Sti. Greg. (4 E. 3.)*

*Registr. Rad. de Salop. Episc. B. and W.*

1334. Prior & Capit. constituunt Procuratores suos—ad comparand—in Eccl. S. Pauli—die Luna post festum Exaltationis S. Crucis—super Arduis—in Parlamento apud Westmr. dicto Die & Loco tenendo diffusius pertractandis, nec non ad consentiend.—Facimus etiam & constituimus dictos Fratres procurr. ad comparand—post festum S<sup>ti</sup>. Matth.—coram Ven. Pre—in Eccl. S. Pauli. Dat. Sept. 1334.

Titulatur—Litera de Parlamento & Congregatione.—

Registr. Oxinden. f. 32.

1335. Procuratorium eorundem ad Parliamentum apud Westmr. & Congreg. Cleri in Eccl. S<sup>ti</sup>. Pauli Lond. Dat. Feb. 1335. Ibid. p. 38.

1337. Procuratorium eorundem ad comparand pro nobis & nomine nostro in Parlamento 5 Kal. Feb. 1337. Ib. f. 80 (b)

1350. G. de Welton, & H. de Ingelby Electi Procuratores Capituli Ebor. in Parlamento. Registr. penes Dec. & Cap. Ebor. f. 74.

1397. Procuratorium Decani & Capituli Ebor. pro Parlamento tenendo apud Westmr. die Luna prox post festum Exalt. S<sup>te</sup> Crucis. Dat. 27. Aug. 1327.

Registr. penes Dec. & Cap. (notat. 2.) ab A<sup>o</sup>. 1390 ad 1410.

1425. Pateat Universis per presentes quod nos Edmundus permissone div. Prior Eccl. Cath. Elyens. & ejusdem Loci Capitulum, ad comparandum pro nobis & nomine nostro in instanti Parlamento Domini Nostri Regis Hen. VI. apud Westmr. in crastino S<sup>ti</sup> Martini prox. futuro per Ipsum Dom. Reg. & Consilium suum celebrandum.

*Dilectos nobis in Christo Venerabiles Viros, Magistros, &c. nostros veros & legitimos ordinamus & constituimus Procuratores, & Nuncios Speciales; dantes & concedentes eisdem Procuratoribus nostris & eorum cuilibet Potestatem Generalem & Mandatum speciale pro nobis & nomine nostro in omnibus & singulis quæ per dom. nostrum Regem & Consilium suum, ac ceteros Prælatos, Magnates, & Proceres dicti regni sui ad Utilitatem & Defensionem regni Angliæ & Eccl. Anglicanæ in dicto Parlamento tractari & ordinari contigerit consentiendi, ac omnia alia & singula faciendi & expediendi quæ per Procuratores expediri poterint. Ratum & firmum habituri quicquid iidem, &c. Dat. 8. Oct. 3. H. 6.*

*Registr. Eccl. Elyens. f. 145.*

*Iidem iterum constituunt Procurr. suos—ad comparend' pro nobis in instanti Parlamento—apud Westm. ult. die Apr. prox. fut. Dat. 24. Apr. 3. H. VI. Ibid.*

*1503. Universis Sancte Matris Ecclesie filiis ad quos presentes Literæ pervenerint, Thomas Permissione, Divina Prior—& Capitulum salutem in Domino. Noverit Universitas vestra nos ordinasse dilectum nobis in Christo Fratrem Joh. Menys Commonachum nostrum verum & legitimum Procuratorem, Negotiorum gestorem, & Nuntium Specialem, ad comparend' pro nobis & nomine nostro coram Custode spiritualitatis Archiepiscopali sede Vacante 26. Jan. apud Westmr. ubi & quando metuendissimus in Christo Princeps & Doms. noster Henr. d. g. R. Az. & Fr. & Doms. Hibern. de Avisamento & Consensu Concilii sui pro quibusdam arduis & urgentibus negotiis statum Publicum & Commune Bonum Regni Angliæ & Ec-*

*clesie Anglicana concernentibus quoddam Parliamentum suum teneri statuerit, ordinaverit, & decreverit; & ibidem cum Prælatiſ & Clero, Magnatibus & Proceribus dicti regni ſui Colloquium habere & Tractatum; prout per Literas dicti metuendiſſimi Principis nobis tranſmiſſis liquet manifeſte. Damuſque & concedimus eidem Procuratori noſtro Potestatem generalem & Mandatum Generale cum dicto Spiritualitatis Custode cæteriſque Eccleſiaſticis Viris, Episcopis, Abbatibus, Prioribus, & aliis inibi convenientibus, de & ſuper hujusmodi Arduis & urgentibus Negotiis Eccleſiam Anglicanam & Clerum ejuſdem, ac præſatum metuendiſſimum Regem noſtrum & Regnum ſuum Angliæ concernentibus ſerioſius exponendi, tractandi, & hiis quæ ex deliberatione communi ad honorem Dei, Utilitatem Eccleſiæ, Regis, & Regni ſui prædicti & totius Rei publicæ concorditer & Canonice ordinari contigerit conſentiendi, ac omnia & ſingula faciendi, exercendi & expediendi in præmiſſis. Dat. 21. Jan. 1503.*

## XII

See p. 229. Ryley Pl. Parl. p. 321. **M**emorandum quod Episcopi, Abbates, Priores, Decani, Archidiaconi, [cum Clero] & Capitula diverſarum Dioceſium ſubſcripta miſerunt ad Parliamentum Regis E. apud Karliolum in Oſtavis S. Hilarii ann. &c. XXXV. Procuratores ſuos inferius nominatos, ad tractand' cum Prælatiſ, Magnatibus, & aliis Proceribus regni dicti Regis ſuper Negotiis pro quibus dictum Parliamentum ſummonitum fuit, & ad conſentiend' hiis quæ in eodem Parlamento ſuper negotiis illiſ contigerit ordinari, viz.

Tho. Episc. Exon miſit, &c. Henr. de Pynke-  
nec Rectorẽ Ecclæ. de Honyton.

D. Episc.



D. Episc. Menev. misit, &c. Mag. Joh. Bussh  
*Canonicum in Eccl. Menev. & Warinum Martyn  
 Militem.*

Gervasius Archidiaconus Cicestr. misit, &c. Nich.  
 de Dynnesley Vicarium in Eccl. de Boseham.

Superior \* & Conventus Roffens. Miserunt, \* It should  
 be Suppri-  
 or ; which  
 is a mi-  
 stake that  
 runs thro'  
 the Prin-  
 ted Record  
 &c. Robertum Rectorem Ecclie. de Hoo.

Capitulum Elyense misit, &c. Mag. Ric. de De-  
 ne Clericum.

Abbas de Cumbâ non misit Procuratorem, sed  
 promittit per Literas suas Patentes se ratum &  
 gratum habiturum quicquid in dicto Parlamento  
 Rex decreverit salubriter ordinandum.

Abbas de S. Radegund juxta Devorr. promittit  
 per Literas Patentes quod ipse ratum habebit  
 quicquid in dicto Parlamento, &c.

Clerus Dioc. Lincoln misit, &c. 2. Rectores.

Clerus Archidiaconus Cicestr. misit Nich. de Dyn-  
 neslee Vicarium [ut prius].

Clerus Archidiaconus Surr. misit Mag. Rich. de Bar-  
 ton, & Hug. de Tychewell Clericos.

Clerus London Dioces. misit, &c. Magistr.  
 Will. de Melford, & Rog de Arewold Capel-  
 lanos.

Joh. de Wakerle Clericus, Procurator Cleri  
 Archidiaconus Surr. habens Potestatem alium Procu-  
 ratorem substituendi, substituit Loco sui Joh. de  
 Bray Clericum, &c. &c.

## XIII.

Part of the King's Writ to the Archbishop

7 E. II.

\*\*\* **E**T quia Vos, & ceteri Prelati, ac Clerus See p. 230.  
 de regno nostro in tam arduis Nos &  
 Statum Ecclesie Sacre & Corona nostre tangen-  
 tibus

tibus, non solum Consiliis nobis tenemini assistere, sed etiam debetis extendere Manus Adjutrices, Auxilia Opportuna faciendo: Vobis mandamus rogantes quatenus aliis prætermisissis sitis in propria personâ vestrà apud Westmr. in Crast. Ascens. Dom. prox. futur.. Coram Fidelibus nostris ad hoc Deputandis, ad tractand. cum eisdem super competenti Auxilio a Clero Prov. vestrà Cant. nobis impendendo ex causis prædictis pro Utilitate Reipublicæ & statu Ecclesiæ sanctæ relevand. à servitute prædictâ, prout in proximo Parlamento nostro apud Westmr. habito tam per Clerum quam per Communitatem Regni nostri extitit concordatum; & prout per prædictos Fideles nostros ex parte nostrâ eritis requisiti. Et ad eundem diem Venire faciatis coram dictis Fidelibus nostris Suffraganeos vestros, Decanos, Priores Ecclesiarum Cathedralium, Archidiaconos, Abbates Ex. & non Ex. Prov. vestrà in propriis personis suis, Capitula etiam singula dictarum Eccl. Cath. per singulares Procuratores, & Clerum cujuscunque Dioc. per duos Procurr. sufficientes, ad tractand' & consentiend' und Vobiscum hiis quæ in præmissis ibidem contigerit ordinari. Et hoc sicut Nos & Honorem nostrum & vestrum, & Utilitatem Reipublicæ, & Relevationem Eccl. Sacra ab hujusmodi servitute diligitis, modis omnibus faciatis. T. Rege apud Westmr. 27. Martii.

## XIV.

Sec p. 231:

**V**estram Paternitati, Reverende Domine D. G. Cant. Archp. totius Az. Primas, Abbates, Priores, Ecclesiar. Cathedralium Decani, Archidiaconi, Capitularum & Cleri Cant. Prov. Procuratores,

ratores, in instanti congregatione apud [ ]  
 presentes, Petitiones & Supplicationes porrigunt  
 infra scriptas.

Imprimis cum in Eccl. Cant. tota Eccl. Angl.  
 libera sit & fuit, ac tali hactenus gavisâ sit Li-  
 bertate, quod Clerus ejusdem Provinciae, ut Reg-  
 ni, Autoritate Regiâ convocari non consuevisset,  
 nec debuisset de Jure, Præsens tamen Citatio, cu-  
 jus obtentu Clerus vocari dicitur supradictus, Do-  
 mini Regis Mandatum [continet] prout ex for-  
 mâ ejusdem Citationis, in quâ breve Regium to-  
 taliter est insertum, evidenter apparet. Quod  
 quidem ad subversionem Ecclesiasticæ Libertatis  
 tendere dinoscitur manifestè.

Item cum tempore Sanctæ & Felicis Memoræ D<sup>o</sup>.  
 Robti. nuper Archiep. habito quondam in Concilio  
 Provinciali super eodem Articulo cum Episcopis  
 suis suffraganeis & Clero Tractatu diligenti, vi-  
 sum fuisset Mandatum hujusmodi Regium ad lesio-  
 nem Libertatis Ecclesiasticæ cedere manifestam,  
 de concessu Fratrum & totius Cleri extitit decla-  
 ratum consensum, & concorditer ordinatum quod  
 obtentu mandatorum hujusmodi ad Convocationem  
 Cleri nullatenus esset procedendum; præsertim  
 cum temporibus dominorum Archiepiscoporum quo-  
 rum memoria nunc existit, id factum non fuit in-  
 formâ quâ nunc scribitur, vel aliquo tempore ob-  
 servatum.

Item cum in Eodem Mandato Regio contineatur  
 expresse quod Vos Venire faciatis Prælatos &  
 Clerum ad faciend. prout in eodem continetur;  
 tantum ac tale Præjudicium ex hoc vestræ Eccle-  
 siæ possit verisimiliter imminere, quod si eidem  
 pareatur in præsentî, quoties domino Regi placu-  
 erit, possit Vobis Ecclesiæ Cant. presidentibus  
 con-

consimilia mandata dirigere, prætendens ex scripto præsentì se esse in possessione præcipiendi & mandandi; & nisi Executio juxta Mandatum Regium sequeretur, non parentes gravius puniret; prout in Brevis Venire Facias contra singulares Personas impetrato aliquotiens dicitur esse factum.

Item cum non liceat Metropolitano cuicunque subditos suorum suffraganeorum extra Territoria sua nisi in casibus certis, de quibus ad præsens non existit——trahere, vel aliqualem Jurisdictionem in eos exercere Mandatum hujusmodi, si eidem pareatur, in enormem Jurisdictionis suffraganeorum cedere possit futuris temporibus lesionem, & gravamen subditorum.

Item cum Laici Judices, Auditores, seu Cognitores Causarum vel Personarum Ecclesiasticarum esse non poterint ullo Casu, prædictum Mandatum, quo tam Vos quam suffraganei, & ceteri Prælati & Clerus vocari mandatur ad comparandum coram Fidelibus Domini Regis nullà Ecclesiasticà Authoritate fulcitis (prout in eodem mandato continetur, & ex lectis ac recitatis publicè coram vobis apparet manifestè) nedum Periculosum factum, sed & Ecclesiasticæ Libertati contrarium, ac futuris temporibus perniciosum trahi possit in exemplum.

Item cum Negotium de quo agitur omnes Personas Ecclesiasticas Cant. Prov. Possessiones habentes contingat, ac Priores Electivi per se Monasteria sua Gubernantes, & Conventus Abbatum & Priorum, quorum etiam Negotium aequè agitur sicut nostrum, citari non mandantur; & ipsis non vocatis, licet fortassis diceretur ab aliquo in cæteris ritè processum, ad tractandum ta-  
men

men & cetera facienda quæ in dicto mandato continentur procedi non potest, ut decet, ne Unitas Ecclesiæ in suis Ministris Divisionem patiatur; præsertim cum Abbates hujusmodi vocari omisiss suis Conventibus, & sine Consensu eorundem ipsorum Conventuum non possint.

Item cum in jure caveatur, quod Clerus ad subventionem quæ petitur, nisi cum quâdam Juris Observantiâ minimè teneatur, sicut in sacris Canonibus est contentum; prædictam subventionem, quæ tanquam ex debito fieri petitur, facere non valemus absque Libertatis Ecclesiasticæ lesione & Sacrarum Constitutionum manifestâ Offensâ, quamquam in casu aliquo hiis prætermisiss licitè procedi aliquàlter potuisset.

Supplicant igitur devoti vestri.—Abbates.—  
Priores & ceteri infrascripti vestræ Paternitati reverenda, humiliter & cum omni reverentiâ petentes, quatenus consideratis & ponderatis præmissis omnibus & singulis periculis quæ ex hoc facto Libertati Ecclesiasticæ imminere noscuntur, tam pro Jure Ecclesiæ Vestræ Cant. quam totius Ecclesiæ Anglicanæ, & pro evitandis hujusmodi periculis in futurum revocationem Brevis Regii impetrare, & hujus revocatione habitâ prædictam Citationem tam periculosam & Ecclesiasticæ Libertati plurimum derogantem ex paternâ provisione dignetur——  
Paternitas vestra Reverenda. Vosque, Patres Reverendi, prædictæ Ecclesiæ Cant. Suffraganei, pro conservatione Libertatis, sicut tenemini, apud Patrem prædictum unâ nobiscum instare velitis, si placet, ut Petitionem nostram, tam licitam, tam rectam tamque honestam exaudire dig-

*dignetur: pro firmo tenentes quod absque Libertatis Ecclesiastica laesione evidenti, vel potius subversione ejusdem pramissa subsistere non possunt absque remedio competenti.*

The Cotton Copy, from whence I took this, is very faulty, and I was forc'd to supply it in several places, by Guess. There is an Omission also of one Whole Article in it, about their being call'd to an *Exempt* Place. A more Correct Copy is to had in some Registers, particularly in those of the D. and Ch. of *Cant.* where I had no opportunity to search for it.

## XIV. (a)

Sec p. 231. **C**L. 8. E. II. m. 35. dors. Rex Venerabili, &c. Sal. Quia super diversis & arduis negotiis nos & statum Regni nostri, & maxime terra nostra Scotia specialiter tangentibus, Parliamentum nostrum apud Eboracum die Luna in crast. Nativ. beatæ Mariæ Virg. prox. futur. tenere, & vobiscum ac cum ceteris Prelatis, Magnatibus, & Proceribus dicti Regni habere proponimus Colloquium & Tractatum, Vobis mandamus rogantes, quatenus Decanos, & Priores Ecclesiarum Cath. ac Archidiaconos totius Provincia vestrae in propriis personis suis, Capitula etiam singula dictarum Eccl. Cath. per singulares Procuratores, & Clerum cujuscunque Diocesis ejusdem Prov. per duos sufficientes Procuratores ad dictos diem & locum Venire faciatis, ad tra-

tractand & consentiend hiis quæ in præmissis  
tunc ibidem contigerit ordinari. Et hoc nullatenus  
omittatis. T. Rege apud Ebor. XXIX. Jul.

The Protestation of the Clergy, when met,  
against this Citation.

**L**icet Mandatum vestrum Citatorium, Pater Reverende, Domine W. d. g. Cant. Archp. See p. 231.  
Totius Angliæ Primas, ad Clerum Prov. vestra  
convocandum, in eo quod ad Curiam Secularem,  
puta Domini Regis Parliamentum, quod in Ca-  
merâ ejusdem Regis fuit inchoatum, & per dies  
aliquot continuatum, sicque tam ratione fori quam  
etiam loci contrâ Sanctos Canones & Sanctorum  
Patrum Instituta videatur esse conceptum, &  
per consequens Clerum artare non poterit tali-  
ter ad comparend. absque Ecclesiastica Offensâ  
Disciplina, & Læsione Ecclesiasticæ Libertatis  
manifestâ, quodque de Abbatibus & Prioribus per  
se suos Conventus regentibus, & suis Conventi-  
bus seu Collegiis, Prioribus Ecclesiarum Cathe-  
dralium duntaxat exceptis, nulla omnino habe-  
atur mentio in eodem: quanquam iidem Religio-  
si sic omissi maximam partem Corporis Cleri ve-  
stræ Prov. faciant, & de communi Negotio sive  
necessitate agatur omnes communiter contingente,  
sicque sine ipsis taliter omissis de communi nego-  
tio sive necessitate ipsos omissos æquè principali-  
ter contingente ut præsentis tractatus qualis ha-  
beri deberet & etiam expediret, haberi non va-  
leat ipsis non vocatis, ne Unitas Ecclesiæ ex  
processu hujusmodi Divisionem patiatur: Ut tamen  
subdactâ Citatione predictâ vestris beneplacitis  
quate-



quatenus fieri poterit per nunc presentes absque Ecclesie & Absentium Prejudicio pareatur reverenter; & ne publice Utilitatis Expeditionem ex non-paritione in tantâ necessitate impediri contingat, offerunt se presentes paratos ad tractand. & faciend. prout eos attinet, quod justum fuerit & Canonicis conveniens Institutis. Supplicant igitur his qui in hac Congregatione presentes sunt de Clero Vestre Paternitati Reverende, quatenus in mandatis Vestris quæ consimiliter emanabunt in futurum, quoad premissa & cetera omnia quæ occurrunt facienda Ordo debitus & de jure licitus ac Ecclesiastica Libertati non derogans per omnia observetur; protestantes expresse coram Vobis in presentia venerab. Patrum Episcoporum, Suffraganeorum vestrorum, quod absque Libertatis Ecclesiasticae laesione & statûs sui periculo prefatus Clerus mandatis consimilibus parere non poterit aliquo modo in futurum.

#### Petitio proposita per Religiosos & Clerum.

See p. 232.

**V**obis Reverende Pater Domine Cant. Archiep. totius Angliæ Primas & Suffraganeis vestris hac Congregationis supplicat Clerus Universus ad mandatum vestrum Dom. Cant. Archiep. totius Angliæ Primas, humiliter & obedienter comparens, quatenus vos cum excusare dignemini erga Dominum nostrum Regem quod coram eo sine Offensa Dei & Ecclesiastica Libertate præjudicio modo quo precipitur, seu oratur, parere non possit & præferat cum prætextu citationis vestre, in loco isto & non alibi, & coram Vobis comparere teneatur. Adverentes precipue quod hoc

*facto servius inaudita, & Jugum intolerabile Ecclesie imponatur, quod nedum in Ecclesia Cant. Prejudicium diceretur factum, sed Vobis, qui prae-  
estis eidem, Dedecus Sempiternum inferret.*

*Bibl. Cotton. Faustina. A. 8.*

## XIV. (b)

**I** Shall rather refer the Reader to Pryn him-  
self (*Parl. Wr. V. i. p. 152.*) then encrease  
the Bulk of the Appendix by a Transcript of  
it.

## XIV. (c)

**R.** *Permissione divina Cant. Archp' &c. di-*  
*lectis filiis Priori & Conventui Eccl. no-*  
*stre Christi Cant. Sal. Gratiam & Benedictionem.*  
*Litteras domini Regis nuper recepimus talis Tenor-*  
*is vel consimilis in essentia, quod pro quibusdam*  
*Negotiis qua regnum Angliae specialiter tangunt,*  
*nec non & stabilimentum Terre Scotiae, nec non*  
*& pro aliis diversis Negotiis Vos praemuniri fa-*  
*ceremus, quod Vos Domine Prior in propria per-*  
*sona, Capitulum vero per unum procuratorem die*  
*Martis in quindenā Purif. beatae Mariae Virg.*  
*prox. fut. in Parlamento suo apud Westmr. nobis*  
*cum interfuis, ad faciend' & consentiend' his*  
*qua tunc de communi consilio favente deo ordina-*  
*ri contigerit, vel etiam pro Utilitate dicti regni*  
*provideri. Quocirca mandamus Vobis firmiter in-*  
*jungentes quatenus Vos, Domine Prior, in propria*  
*persona, & Capitulum per unum Procuratorem*  
*Die Dominicae prox. ante dictum diem Martis ip-*  
*sam diem Martis praeveniendo coram Nobis com-*  
*pareatis apud Lamethe circa horam primam, No-*  
*biscum super quibusdam statum Ecclesiae contingen-*  
*tibus tractaturi, ulteriusque facturi una Nobis-*  
*cum in dicto Parlamento quod permittunt Sacro-*

K k

rum

*rum Canonum Instituta. Et quid feceritis seu facere decreveritis in præmissis nos dictâ die Dominicâ certificare curetis per vestras Literas patentes harum seriem continentes. Dat. Wynton. Id. Jan. 1304. Consecr. 11<sup>o</sup>.*

*Reg. Henr. Prioris fol. 103. (a)*

XIV. (d)

*This Form I have given before, Numb. XIV. (a)*

XIV. (e)

*Cl. 14. E. II. m. 5. dors.*

*Sec p 253.*

**R** *Ex Venerabili, &c. Sal. Quia super diversis, &c. [as in the Writ with the Premunientes in Dugd. p. 119.]—Tractatum. Et mandavimus singulis Episcopis Prov. vestra Cant. quod dictis die & loco, &c. impensuri, & quod ipsi præmuniant Decanos, Priores, & Capitula Ecclesiar' suar', Archidiaconos, &c. antedictis. Nos nolentes negotia nostra in dicto Parlamento tractanda propter absentiam dictor' Decanor' Prior' Archidiaconor' retardari, Vobis mandamus rogantes, quatenus Decanos & Priores Ecclesiar' vestrar' Cath. & Archidiaconos totius Prov. vestra in propriis personis suis, Capitula etiam singula dictar' Ecclesiar' Cath. per singulares Procc. & Clerum cujuscunque Dioc. ejusdem Prov. per duos sufficientes Procurat. ad dictos diem & locum venire faciatis ad tractand' & consentiend' hiis que in præmissis tunc ibidem contigerit ordinari. Et hoc nullatenus omittatis. T. Rege apud Westm. 15. Maii.*

XIV. (f)

*Sec p. 255.*

**W** *Permissione divinâ Cant. Arch.—dilecto H. Priori & Capitulo nostra Cant. Sal. Nuper Dominus Rex, vocatis ad se Prælatis quibusdam,*

busdam, Comitibus, ac Proceribus, ac aliis de Consilio suo peritis tunc presentibus, Negotia sua ac regni sui diligentius pertractans pro feliciore Expeditione eorundem ex deliberato Consilio Parliamentum suum apud Westmr. à die Nativ. beati Johannis Bapt. prox. futur. ad 3. Septimanas vocare decrevit, ac etiam ordinavit. Et quia pro Negotiis arduis statum totius regni sui & Incolarum ejusdem contingentibus presentiam nedum Prelatorum sed etiam Decanorum & Prior Ecclesiarum Cath. singularium & Cleri nostræ Cant. Prov. in agitatione eorundem necessariam reputavit; ne per ipsorum absentiam contingat hujusmodi negotia retardari, suis ad Nos directis Apicibus rogavit, ut Clerum totius nostræ Cant. Prov. in formam præscriptam convocari faceremus, ad diem & locum antedictos, ad tractand. super ipsis, & consentiend. hiis quæ tunc salubriter ordinari contingerit in eodem. Nos igitur tanto promptius tantoque favorabilius, Votis Regiis Inclinantes, quò Negotium de quo agitur Ecclesiam Anglic. Regnum & Regni Incolas, tam personas Ecclesiasticas quam Laicas omnes proculdubio contingit, prout hæc apud omnes fore credidimus notoriè divulgata; quòque ad id faciend. ex necessitate curæ nobis incumbentis novimus nos teneri; cum quibusdam Fratribus & Cœpiscopis nostris habito super hoc Tractatu pleniori Regio Rogatui more consueto duximus, ut debuimus, annuendum. Quo circa Tenore presentium peremptoriè Vos citamus, quòd Vos Domine Prior Personaliter, & Capitulum per Unum sufficientem Procuratorem compareatis in dicto Parlamento apud Westmr. prout hactenus fieri consuevit, à die S<sup>ti</sup> Joh. Baptistæ prox. fut. in 3 Septimanas, cum continuatione & prorogatione dierum subsequen-  
5

*Nobiscum super præmissis, & aliis urgentibus Eccle. Anglic. atque Regni in hac parte Negotiis, in Domini nostri Regis Parlamento ibid. celebrando, nec non consentiend' hiis omnibus quæ ad honorem Dei, & Eccle. sue sanctæ & Utilitatem totius reipublicæ ac regni supradicti divinâ disponente Clementiâ ibidem contigerit salubriter ordinari.*  
*Dat. 8. Kal. Jun. 1321.*

*Reg. Henr. Prior. fol. 224.*

## XV.

## Petitio Cleri Cant. Provinciæ.

See p. 358.  
 This Petition from the Matter of it seems to have been made A°. 1529.  
 See Bishop Burnet V. 1 p. 82.

**U**T Ecclesia Anglicana gaudeat & fruatur omnibus & singulis Juribus, Libertatibus, Consuetudinibus antiquis & Privilegiis ac Immunitatibus concessis a Nobilibus Memoria Regiæ Sublimitatis Progenitoribus, Regibus Angliæ, prout in Cartis & Concessionibus eorundem, præsertim in Cartâ magnâ, in Cartâ de Forestâ, in Cartâ Edwardi super Articulis Cleri, atque in brevi Circumspectè agatis, nec non Edwardi quarti; aliis item Immunitatibus suis quibuscunque.

Et quia Clerus summopere affectat vitare offensam Regiæ sublimitatis, & æquum non est ut aliquis penam Violatæ Legis incurrat, quam scire non potuit, ut dignetur sua sublimitas curare ac jubere ut certi ac præscripti Limites clarè designentur Casuum statutorum de Premunire, sicque extra illos casus declaratos aliqua non incurratur pena; & ne de cætero decernatur à Curia Regiâ emissendum contra ullum Judicem Ecclesiasticum aut partes Litigantes Breve præsum de Premunire, nisi præmissâ prohibitionem regiâ, & in Casibus præscriptis.

*Præ-*

*Præterea cum Clerus multum Gravaminis ac Damni sustineat, ratione statutorum in presenti Parlamento editorum, Libertatem Ecclesiasticam & sanctiones Canonicas enervantium, in animarum statuentium, & quorumcunque Executioni demandantium periculum manifestum, sententiamque excommunicationis notoriè & damnabiliter incurrendo, ad quæ facienda nec consenserunt per se, nec per Procuratores suos, neque super eisdem consulti fuerunt; Ipsaque eadem statuta penas tum graves, tum inevitabiles in se continent, non nihil etiam Iniquitatis habeant, contra Charitatem & Canonicas sanctiones edita, sintque in se adeo captiosa ut difficile sit ea non violare; Hospitalitati quoque non parùm derogantia, miseris Vicariis Rectoriarum suarum Conduccionem, ut videtur, prohibentia: ut iidem Patres (quorum est Veritatem Canonum annuntiare) remedium opportunum in statutis prædictis provideant, tam præsentis quam futuris temporibus debite consulentes.*

*Postremò cum sine fide impossibile est placere deo, ut dignetur Regia sublimitas in fidei favorem aliquod statutum in presenti Parlamento edere contra Hereticos, fautoresque Hereticorum, Defensores, & Receptatores eorundem, nec non contra Libros suspectos aut prohibitos tenentes, habentes, in regnum asportantes, per Ordinarios locorum non approbatos vendentes; undè cum bonorum quorumcunque de Hæresi primà vice per Ordinarios condemnatorum & indicatorum confiscatione Domino nostro Regi, & cæteris Clausulis opportunitis.*

Bibl. Cotton. Cleopatra. F. 2.

## XVI.

See p. 375.

**P**hilip and Mary by the Grace of God, King and Queen of England, Fraunce, Naples, Jerusalem, and Ireland, Defenders of the Faith, Prince of Spain and Sicill, Archeduk of Austrie, Duke of Burgundy, Myllaine, and Brabant, Countyes of Haspurg, Flaunders, and Tyroll, To all Men to whom these Presents shall come, Greeting. Where we have grauntid to the most Reverend Father in God, and our most Trustye and Dereft Cofin Reynald Cardinal Pole, Legate *de Latere* to the Pope's Holiness, sent to Us and to our Realms and Dominions, our Letters Patents of our Will and Consent for the free using of his *Facultyes, Authoritys and Jurisdiction Legantine* in fourme heare under following, that is to say, Philip and Mary by the Grace of God, &c. Greeting. Whereas it hath pleased our most Holy Father the Pope, *July* the 3d. to send unto Us, and this our Realme of England, and the Dominions of the same, the most Reverend Father in God, and our most trusty and dereft Cofin Reynold Cardinal Pole his Legate *de Latere* with certain Auctorities of *Jurisdiction, Grace, Faculties and Dispensations*, to be ministred, exercised, and graunted by auctoritie of our said Holy Father and See Apostolike to the Subjects of our said Realme and Dominions of the same, as they shall for their Relief sue and make request to our said Cofin, executing his said Commission and Legacy aforesaid; We calling to our Remembrance and Understanding, the Godly Purpose and Intente of our said most Dereft Cofin his most honourable Legacion, and that the



the same is most beneficial, and to the spiritual Solace and Consolation of Us and our said Subjects ( whose good Order and right walking in the Laws of God and our Mother Holy Church we much desier ) and therefore we are most glad of the Accesse and Repaier of our said most dear Cosyn, unto us and this our Realme, with the said Auctoritie of Jurisdiction from our said Holy Father the Pope's Holiness and See Apostolike. And for the further Declaration thereof, we do by these our Letters Patents declare our Pleasures and good Contentments to be, that our said Cosyn shall repaier unto us, and into our said Realme and the Dominions thereof, with his said Auctoritie of Jurisdictions, and to use and exercise his Auctoritie Legantine by himself, or by his Officers and Minitters under him of whatsoever Nation, Country, State, or Condition soever they be, Denyzons, or not Denyzons; and that his said Repaier with the said Auctorities is not only unto Us most acceptable, but we do also by these our Letters Patents signifie unto all our Loving Subjects, as well Spiritual as Temporal, that we are pleased and contentid that they shall make Suits and Requests to our said Darest Cosyn, and his Officers and Ministers, to obtayne such *Grace, Faculties and Dispensations* as they shall have need of, and the same so obteyned, to use and putte in Execution according to the Nature and Qualitie thereof. Wherefore we Will and Command all and singular our Subjects to receive, honor, and obeye the said Auctoritie in such Cases of Spiritual Jurisdiction for the Reforma-

tion of their Sowles, as in the Time of the said  
*20th. Yere of the Reign of our said Father*  
*King Henry the Eight was,* or with his Consent  
 might have byn used and executed in this  
 Realme. In witnesse whereof we have caused  
 these our Letters to be made Patents. Wit-  
 nesse our selves at *Westminster* the *10th. day of*  
*Nov.* in the *1st. and 2d. Years* of our Reigns,  
 Know ye for that so much the said most Re-  
 verend Father earnestly desiring that his Labor  
 and Travaile may take fruit to the Honor of  
 God, and the Welth of our Subjects hath now  
 callid a *Synode of the Clergy of this Realme of*  
*England,* to appear before him at our Palace at  
*Westminster*; We to avoid all Daunger, Dowte,  
 and Ambiguitye which might arise in that case  
 by reason of any Lawes, Statutes, Customs or  
 Prerogatives of Us, or this our Realm of *Eng-*  
*land,* and for the more Ample Declaration of  
 our said Letters Patents, have granted, decla-  
 red, and signified, and by these Letters Patents,  
 do grant, declare, and signifie, that our Will  
 and Pleasure and Consent is, that as well the  
 said most Reverend Father Card. *Pole Legat de*  
*Latere* of the Pope's Holynesse, and the See A-  
 postolike, may freely without lett of Us, or  
 daunger of any our said Laws, Statuts, Cu-  
 stoms, or Prerogatives, caule and celebrate the  
 said Synode, or any other Synode hereafter at  
 his Will and Pleasure, and in the same Statute,  
 Ordeyne, and Decree any holesome Canons for  
 the good lief and order of the Clergy of this  
 our Realme of *England,* or of any other of our  
 Realmes and Dominions, and do any other  
 thing for the better executing of their Office  
 and Duitye; as also the said Clergye may ap-  
 pear

pear and be present at the said Synode or [any other] and consent to fulfill and obeye all such Canons as shall be ordeyned in the same, or in any of them without Lette or Impediment of Us, and without incurring any Daunger, or Penalty, or Forfeiture of any of our Lawes, or Statutes, any Act, Ordinance, or other matter contrary to the same notwithstanding. And hereunto we have given our full Power and Auctoritie by these Presents. In Witnesse whereof we have caused these our Letters to be made Patents. Witnesse our selves at *Westminster* 2 Nov. in the 2d. and 3d. Years of our Reigne.

*Registr. Pole fol. 7.*

## XVII.

Forma sive Descriptio Convocationis cilebrandæ, prout ab antiquo observari decernitur.

**S**Ciendum est quod omnes qui [citantur] *Auctoritate*. See p. 376.  
*Ste Dni. Rmi. Arch. Cant. ad comparend' coram eo in*  
*domo Capitulari Ecclæ. Cath. Divi Pauli London,*  
*12<sup>o</sup> die Jan. \* prox. tenentur prefixo tempore in-* \* It ap-  
*teresse, atque in Ecclesiâ Cath. præstolari adven-* pears from  
*tum disti Rmi. Qui ex more paulo post 8vam. ante* hence, that  
*meridiem illius diei solet cum celebri comitatu a-* this Dire-  
*pud portam Thamisîs vocatam Paul's Wharf in* ctory was  
*terram descendere, atque exinde præeuntibus Ad-* fram'd im-  
*vocatis & Procuratoribus Curie Cant. certisque* mediately  
*Rmi. Generosis, ac Virgifero Convocationis, ad Eccl-* before the  
*siam Cath. Divi Pauli London, rectâ tendere, at-* Conv. of  
*que in Chorum ibidem ingredi. Ubi postquam in* 1562.  
*stallo Decani collocatus fuerit, ac preces dixeris,* which met  
*Jan. 12.*  
*tam*

tam ipse quam reliqui Episcopi presentes habitu Convocationis togati, ex utroque Chori Latere in suis stallis sese constituunt; Et mox incipiunt preces, quibus S. Sancti gratia invocatur; ac mox Concio subsequitur. Ac tempore Offertorii tam dictus Rmus. quam ceteri suffraganei Episcopo rem divinam celebranti ordine progredientes oblationem offerre ex more debent. Peracta in hunc morem re divina, solet doctus aliquis ex Catu Convocationis sive Superioris sive Inferioris domus ad hoc selectus à Suggestu in medio Chori Concionem ad Clerum ibidem congregatum Latine proferre. Quà absolutà Rmus. statim se confert in Dom. Capitulari dictæ Ecclesiæ, sequentibus Episcopis & toto Clero. Quibus ingressis, ac seclusis Extraneis, Rmo. ac ceteris suis Cœpis in suis sedibus ordine consedentibus, ac reliquo Clero circumstante, Rmus. Dominus Episc. London. mandatum sibi à d<sup>no</sup>. Rmo. ad Convocationem huiusmodi submonend' aliàs directum unà cum debito Certificatorio super executione ejusdem introducere, ac debità cum reverentiâ eidem Rmo. patri presentare & tradere tenetur.

Quo quidem Certificatorio perlecto, statim porrigitur eidem Rmo. Scheda de scripta, per quam pronuntiat omnes ad eisdem diem, horam, & locum non comparentes contumaces, reservando penam eorum contumacia in aliquem diem competent. pro bene placito ipsius Rmi. Præmissis sic Expeditis, dictus Rmus. ad Episcopos & Clerum tunc presentes Anglicè sive Latine Causam sui adventus ac dictæ Convocationis Inchoatā exponit; Quòdque ex Laudabili & Antiquà ordinatione eadem Convocatio in duo Membra dividitur, nempe in Superiorem atque Inferiorem Domum. Unde Rmus. & ceteri Cœpiscopi Superiorem Domum efficiunt; Inferior verò Domus ex Decanis Ecclesiar' Cath. Archidiaconis,

chidiaconis, Collegiorum Magistris & Capitulorum Cath. Ecclesiarum, nec non Cleri cujuscunque Dioceseos Procuratoribus constat.

Et quoniam, si in rerum tractandarum serie unusquisque ex inferiori domo suam ipse sententiam quoties visum esset diceret, aut si omnes, aut plures simul loquerentur, pareret confusionem, igitur semper hactenus observatum fuit, ut Unus aliquis Doctus & Disertus ex gremio dictæ Inferioris Domus in eorum omnium Locum ad hoc munus assumatur; ut is, intellectis & scrutatis caterorum omnium Votis, tanquam Unum Eorum omnium Os & Organum loquatur, & consonam eorum sententiam eidem Rmo, cum ad hoc rogatus seu missus fuerit, ceteris silentibus fideliter referat: Qui ex hoc munere Referendarius sive Prolocutor communiter denominatur. Cujus eligendi Libera facultas semper penes dictam Inferiorem Domum remanet. Unde ipse Rmus solet eosdem ex inferiori domo monere atque hortari, ut statim se conferant in dictam Inferiorem Domum, ibique de Viro docto, pio, & fideli in Prolocutorem suum assumendo consultantes unanimiter consentiant, & eligant; sicque electum ipsi Rmo in eadem domo Capitulari prox. insequente Sessione debitâ cum solennitate præsentent. His dictis, descendant omnes in inferiorem domum ad effectum prædictum.

#### Forma Eligendi & Præsentandi Prolocutorem.

**S**olet observari, ut postquam ingressi fuerint Inferiorem Domum, in sedibus se decenter collocent, & si aliqui ex iis sint Consilarii, sive Saccellani Regiæ Majestatis, ut hi superiores sedes occupent,

cupent, atque inde unus ex iis propter dignitatem & Reverentiam, seu in eorum absentia Decanus Ecclesie Cath. Dni Pauli London, sive Archidiaconus Lond. Presidenti officio in huiusmodi Electione fungatur. Atque ut ad hoc rite procedatur, primum jubebit nomina omnium citatorum & qui tunc interesse tenentur a [ ] dicta inferioris Domus recitari & praconizari. Notatisque absentibus, alloquatur presentes, atque eorum sententiam de idoneo procuratore eligendo sciscitatur. Et postquam de eo convenerint (quod semper quasi statim & absque ullo negotio perfici solebat) mox conveniant inter se de duobus Eminentioris Ordinis, qui dictum electum Rm D<sup>o</sup>. Cant. in die statuto debita cum Reverentia & Solennitate presentent. Quorum alter sicut, cum dies advenierit, ipsum Prolocutorem cum Latina & docta oratione presentare tenetur, sic etiam idem presentatus habitu Doctoratus indutus consimilem Orationem ad dictum Rm Patrem ac Praelatos & ceteros presentes habere debet. Quibus finitis, praefatus Rm Oratione Latinam tam Electores quam Presentatorem & Presentatum pro sua gratia collaudare, ac demum ipsam Electionem sua Arch. auctoritate expresse confirmare & approbare non dedignabitur. Et statim idem Rm Anglicè (si placeat) exponere solet ulterius beneplacitum suum, hortando Clerum ut de rebus communibus qua Reformatione indigeant, consulant, & referant die statuto. Ac ad hunc modum de Sessione in Sessionem continuabitur. Convocatio, quam diu expedire videbitur, ac donec de eadem dissolvenda Breve Regium eidem Rm presentetur.

Et sciendum est, quod quotiescunque Prolocutor ad presentiam Rm causa Convocationis, ac Tempore Sessionis, accessarit, utatur habitu praedicto,

*dicta, ac Janitor sive Virgifer dicta Inferioris Domus ipsam reverenter antecedit.*

*Ejusdem Prolocutoris est etiam monere omnes ne discedant a Civitate London absque Licentia Rmi, Quodque statutis diebus tempestivè veniant ad Conv. Quodque Salaria Clericorum tam superioris quam Inferioris Domus, Et Janitoris Inferioris Domus juxta antiquam taxationem, quatenus eorum quemlibet concernit, fideliter persolvant.*

Synodalia fol 3.

## XVIII.

**JAMES** by the Grace of God, &c. To the most reverend Father in God, our right trusty and well beloved Counsellor, *John* Archbishop of *Canterbury*, of all *England*, Primate and Metropolitan, the reverend Fathers in God, our trusty and well beloved *Richard* Bishop of *London*, *Anthony* Bishop of *Chichester*, and to the rest of our Commissioners for Causes Ecclesiastical, Greeting. Whereas all such Jurisdictions, Rights, Privileges, Superiorities, and Prehemynences, Spiritual and Ecclesiastical, as by any Spiritual, or Ecclesiastical Power, or Authority have heretofore been, or may lawfully be exercised, or used, for the visitation of the Ecclesiastical State and Persons, and for Reformation, Order, and Correction, as well of the same, as of all manner of Errors, Heresies, Schisms, Abuses, Offences, Contempts, and Enormities, to the pleasure of Almighty God, the increase of Virtue, and the conservation of the Peace and Unity of this our Realm of *England*, are for ever by authority of Parliament of this our Realm united, and annexed unto the Imperial Crown of the same :

And





And whereas also by Act of Parliament, it is provided and enacted, that whensoever we shall see cause to take further Order for, or concerning any Ornament, Right, or Ceremony appointed, or prescribed in the Book commonly called the Book of Common Prayer, Administration of the Sacraments, and other Rights and Ceremonies of the Church of *England*, and our Pleasure known therein, either to our Commissioners so authorized under the great Seal of *England* for Causes Ecclesiastical, or to the Metropolitan of this our Realm of *England*, that then further Order should be therein taken accordingly: We therefore understanding, that there were in the said Book certain things, which might require some Declaration and enlargement by way of *Explanation*, and in that respect having required you, our Metropolitan, and you the Bishops of *London* and *Chichester*, and some others of our Commissioners authorized under our great Seal of *England* for Causes Ecclesiastical, according to the Intent and meaning of the said Statute, and of some other Statutes also, and by our *Supream Authority and prerogative Royal*, to take some care and pains therein, have thence received from you the said particular things in the said Book declared, and enlarged, by way of *Explanation*, made by you our Metropolitan and the rest of our said Commissioners in manner and form following.


[ Then come several Alterations in the *Calendar*, *Rubricks*, and Offices of *Private Baptism*, and *Confirmation*, an Addition about the *Sacraments* at the Close of the *Catechism*; A Prayer for the *Royal Family*, and six new Forms of

Thanks.

*Thanksgiving for Rain, Fair Weather, &c.* and after these inserted at length, it follows.]

All which particular points and things in the said Book thus by you declared and enlarged, by way of Exposition and Explanation, Forasmuch as we having maturely considered of them, do hold them to be very agreeable to our own several Directions upon Conference with you and others, and that they are in no part repugnant to the Word of God, nor contrary to any thing that is already contained in that Book, nor to any of our Laws or Statutes made for Allowance or Confirmation of the same, We by virtue of the said Statutes, and by our supreme Authority and Prerogative Royal, do fully approve, allow, and ratify All and every one of the said Declarations and Enlargements by way of Explanation, Willing and requiring, and withal Authorizing you the Archbishop of *Canterbury*, that forthwith you do Command our Printer *Roberts Barker* newly to Print the said Common Book, with all the said Declarations and Enlargements by way of Exposition and Explanation above mentioned; And that you take such Order, not only in your own Province, but likewise in our Name with the Archbishop of *York* for his Province, that every Parish may provide for themselves the said Book so Printed and Explained, to be only used by the Minister of every such Parish, in the Celebration of Divine Service, and Administration of the Sacraments, and duely by him to be observed according to Law in all the other parts, with the Rites and Ceremonies therein Contained and

Pre-



Prescribed for him to Observe. And these our Letters, Patents, or the Inrolment thereof, shall be your sufficient Warrant for all and every the Premisses contained in them. Witness our self at *Westminster*, the *9th*. day of *Feb.* in the first Year of our Reign, *Per Ipsum Regem*.

N.B. There was a Commission in the 3<sup>d</sup>. of Q. *Elizabeth*, for making Alterations in the Common Prayer Book, which This may seem to have trac'd: but those Alterations were slight ones, reaching no further than the Expunging some few Lessons in the Calendar, and appointing others in the room of them; which was justifiable upon the Terms of the Act of Uniformity. See the Commission in *Parker's Register* fol. 215. (a).

---

FINIS.

---

---



---

# ADDENDA.

**P** Age 6. l. 8. When I say, *Styl'd is a Convoc.*  
I mean only, that he us'd the word *Convocate*.

P. 72. l. 28.—*is now, and &c.* I spake this as supposing the Writ for the Prov. of *York* to have gone out, when the last Parliament was chosen: but it seems, it did not. The Reader however will allow me that this was a very pardonable Supposition.

P. 262. l. 5. I mean, when the AP. did not at the same time solemnly hold his *Provincial Council*: for at such times I have shewn (before p. 233. ) that Distinct Proxys have been sent to the *Provinc. Council*, and *Parliament*.

P. 366. l. 18. My Lord *H.* in another place (p. 566. ) does, I find, date the Patent of his Vicegerency at *July 18.* But either that Date is mistaken; or that was not the first Patent constituting him Vicegerent.

P. 381. l. 27. Upon further search it appears to me, that my Lord of *Sarum* had yet less reason than I thought he might have to doubt, whether the Lower Clergy subscrib'd the Canons

L 1

in



in 1571; for their Original subscriptions in Parchment are still extant: sow'd indeed to a Printed Copy of the Articles in 1562, by mistake; but manifestly appertaining to those in 1571; as is Evident from the Titles of several of the subscribing Dignitaries, compar'd with their Collations in the Bishops Registers.

P. 382. Upon second Thoughts, I cannot allow the *Memorand.* to intimate any thing contrary to what I have laid down. It falls in exactly with the Method, which I suppose in that Convoc. to have been taken.

P. 385. l. 3. from the bottom, add—Dr. Heylin indeed, in the Summary he has given of King Charles's Letters Patents, confirming the Canons of 1640. (Cypr. Angl. p. 425.) represents that Prince as saying, *That in Imitation of the Pious Examples of E. VI. Queen Elizabeth, and King James—he had Licens'd the Clergy to make Canons, &c.* which seems to imply, that such a License as was then granted had been practis'd in all the Preceding Reigns. But the Instrument it self, if we consult it ('tis in *Bibl. Reg. and Sparrow*) sets this matter right. The Words of it are these, "We therefore out of our Princely Inclination to Uniformity and Peace, in matters especially which concern the Holy Worship of God, proposing to our selves herein the Pious Example of King E. the VIth. and Q. Elizabeth, who sent forth Injunctions and Orders about the Divine Service, and other Ecclesiastical matters; and of our Dear Father of Blessed Memory, King James, who publish'd

“*lish’d a Book of Constitutions and Canons Ecclesiastical; — have thought good to give them free leave to Treat in Convoc. and agree upon certain Other Canons, necessary for the Advancement of God’s Glory, &c.* The Example of the Two first of these Princes is vouch’d only in relation to their Issuing forth *Orders and Injunctions about Divine Service, and other Ecclesiastical Matters*: The last is propos’d as a Pattern also for Commissioning the Convocation to *Treat and agree upon Canons*. The mentioning these Three Princes in the Course of the same Sentence, though for different Purposes, may create some Ambiguity; which will be clear’d, if we observe, that in King *James’s* Letters Patents confirming the Canons of 1603. (annex’d to the Edition of them in 1604.) there is no Pretence of any Precedent for such a License as he then granted: though had any such before that time issu’d, King *James’s* Instrument of Confirmation would have refer’d to it, no doubt, as King *Charles* the 1<sup>st</sup>. did afterwards to his.

The Drawer up of this Instrument seems on purpose to have contriv’d such an Artful Form of Words as might lead an Unwary Reader into a Belief, that the Practice of Licensing the Conv. was Older than really it was; and yet, when examin’d strictly, could not be laid hold of.

This Objection has not been made hitherto by any that have written on this Subject. And I mention it therefore, only to prevent a Future Cavil.

As



P. 461. As this Book was finishing, Dr. Brady's late learned Work came to my hands; in whose *Appendix* I find printed the Instrument first plac'd in mine. Had I known it sooner, I would only have refer'd the Reader thither; for he took his Copy from the Record it self, I mine only from a Register. The Transcripts of that Knowing Person are Exact always, and securely to be rely'd on.

---

---



